

Appendix B: Agency Coordination and Letters

present a verbal statement must provide a written summary of remarks. Please focus your remarks on the tasks, specific activities, projects or goals of the Advisory Committee, and benefits to the aviation public. Speakers will be limited to 5-minute presentations. Please contact Ms. Ellen Bowie at the number listed above if you plan to attend the meeting or to present a verbal statement.

Individuals making verbal presentations at the meeting should bring 25 copies to give to the Committee's Executive Director. These copies may be provided to the audience at the discretion of the submitter.

Issued in Washington, D.C. on August 2, 2001.

Barry R. Basse,

Acting Assistant Manager, Continuous Airworthiness Maintenance Division.

[FR Doc. 01-19861 Filed 8-7-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Oxnard Airport, Oxnard, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Oxnard Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before September 7, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Scott Smith, Director of Airports of the county of Ventura at the following address: 555 Airport Way, Camarillo, CA 93010. Air carriers and foreign air carriers may submit copies of written comments previously provided to the county of Ventura under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. David Delshad, Airports Program Engineer, Standards Section, Airports

Division, 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261, Telephone: (310) 725-3627. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Oxnard Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). On July 20, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the county of Ventura was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 20, 2001. The following is a brief overview of the impose and use application No. 01-01-C-00-0XR.

Level of proposed PFC: \$4.50.

Proposed Charge effective date: December 1, 2001.

Proposed charge expiration date: May 1, 2007.

Total estimated PFC revenue: \$872,000.

Brief description of proposed projects: Revise/Amend Update to Airport.

Master Plan and Part 150 Noise Study, Rehabilitate Airport Pavement, Runway 7/25 and Exit Taxiways, Rehabilitate Terminal Loop Road Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled Part 135 Air Taxi/Commercial Operators filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR INFORMATION CONTACT** and at the FAA Regional Airports office located at 15000 Aviation Blvd., Room 3024, Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the county of Ventura, Department of Airports, Administration office.

Issued in Hawthorne, California, on July 20, 2001.

Ellsworth Chan,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01-19863 Filed 8-7-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Lewis and Clark & Jefferson Counties, MT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared in accordance with the National Environmental Policy Act for proposed transportation improvement along the I-15 corridor in Helena, Lewis and Clark & Jefferson Counties, Montana. The FHWA, in cooperation with the Montana Department of Transportation (MDT), invites public comment and will be holding public scoping meetings prior to commencing work on the environmental impact statement.

Mail, fax or e-mail written comments to: Mr. Joel Marshik, P.E., Montana Department of Transportation, Environmental Services Manager, 2701 Prospect Avenue, Helena, Montana 59620-1001, Fax: 406-444-7245, e-mail: jmarshik@state.mt.us.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Paulson, Program Development Engineer, FHWA Montana Division, 2880 Skyway Drive, Helena, Montana 59602; Telephone (406) 449-5302, extension 239; or Mr. Joel Marshik, Manager, Environmental Services, Montana Department of Transportation, 2701 Prospect Avenue, Helena, Montana 59620-1001; Telephone (406) 444-7632.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Montana Department of Transportation (MDT), hereby give notice that they intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), Public Law 910190, 83 Stat. 85291969, as amended, for corridor improvements to I-15 through Helena, in Lewis and Clark & Jefferson Counties, Montana. This EIS will evaluate the No Build and other Build Alternatives for proposed improvements to I-15 in Lewis and Clark & Jefferson Counties and determine the estimated costs and potential impacts associated with each. The project study area is approximately 13 miles along I-15 between the Montana City and Lincoln Road interchanges. The project includes public involvement, agency coordination, technical analysis, and preparation of the environmental document to record the decision.

Interstate 15 is the only North-South interstate highway in Montana. It is part of the National Highway System and has become critically important in regional, interstate, and international travel and commerce.

Increases in population and changes in land use patterns in the Helena area have resulted in increased traffic volumes on Interstate 15 and on East-West roadways since its construction in 1962. This increased traffic has decreased the operating efficiency of the interchanges on I-15 and on the East-West roadways crossing the highway corridor. I-15 has become a barrier to East-West travel, including pedestrians, bicyclists, and emergency access.

The purpose of the project is to accommodate anticipated traffic volumes safely and efficiently, while similarly considering the movement of east-west traffic crossing the I-15 corridor. The project will address safety and operating efficiencies at I-15 interchange and east-west roadways crossing I-15 between Lincoln Road and Montana City. The crossing roadways will be studied to the extent necessary to ensure their ability to collect and distribute anticipated traffic to and from I-15.

The public involvement program will include the following:

- Public Workshops and Meetings
- Meetings and Presentations to Neighborhood Groups and Business Organizations
- Formation of an Advisory Committee of Local Citizens and Agencies
- Project Web Site (www.I-15helenaais.com)
- Telephone Information 'Hotline' (406-458-4789)
- Project Newsletter
- Public Opinion Survey

The FHWA and MDT invite interested individuals, organizations, Federal, State, and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, and environmental issues relating to the alternatives. An information packet describing the purpose and need for the project, the areas and issues to be evaluated, the citizen and agency involvement program, and the preliminary project schedule will be available at the public scoping meeting. These scoping materials may be requested by contacting Mr. Joel Marshik at the address and phone number above. Scoping comments may be made verbally at the public scoping meeting or in writing. The public will receive notices on the location and time of the scoping meeting through

newspaper advertisements and/or individual correspondence.

To ensure that a full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. If you wish to be placed on the mailing list to receive further information as the project develops, contact Mr. Joel Marshik as previously described.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Issued on date: July 31, 2001.

Dale W. Paulson,

Program Development Engineer, Montana Division, Federal Highway Administration, Helena, MT.

[FR Doc. 01-19809 Filed 8-7-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2001-9561]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FMCSA announces its decision to exempt 22 individuals from the vision requirement in 49 CFR 391.41(b)(10).

DATES: August 8, 2001.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywockarte, Office of Bus and Truck Standards and Operations, (202) 366-2987; for information about legal issues related to this notice, Mr. Joseph Solomey, Office of the Chief Counsel, (202) 366-1374, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

Background

Twenty-two individuals petitioned the FMCSA for an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are: Roger D. Anderson, Joey E. Buice, Ronald D. Danberry, Paul W. Dawson, Lois E. DeSouza, Richard L. Gandee, Steven A. Garrity, Chester L. Gray, Waylon E. Hall, Jeffery M. Kimsey, Gerald L. Phelps, Doyle E. Ramsey, Michael J. Risch, Tim M. Seavy, Kim L. Seibel, Edd J. Stabler, Randy D. Stanley, Lee T. Taylor, James Melvin Tayman, Sr., Wesley E. Turner, Edward W. Yeates, Jr., and John C. Young.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a renewable 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." Accordingly, the FMCSA has evaluated the 22 petitions on their merits and made a determination to grant the exemptions to all of them. On June 6, 2001, the agency published notice of its receipt of applications from these 22 individuals, and requested comments from the public (66 FR 30502). The comment period closed on July 6, 2001. One comment was received, and its content was carefully considered by the FMCSA in reaching the final decision to grant the petitions.

Vision And Driving Experience of the Applicants

The vision requirement provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. 49 CFR 391.41(b)(10)

Since 1992, the Federal Highway Administration (FHWA) has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket, FHWA-98-4334.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

Ref: 8MO

September 4, 2001

Mr. Joel M. Marshik, Manager,
Environmental Services,
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

and

Mr. Dale Paulson, Program Development Engineer
Federal Highway Administration
2880 Skyway Drive
Helena, Montana 59602

Re: EIS Scoping for Transportation Improvements in I-
15 Corridor in Helena Valley

Dear Mr. Marshik and Mr. Paulson:

The U.S. Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for proposed transportation improvements along the Interstate Highway 15 corridor in the Helena Valley in Lewis & Clark, and Jefferson County, Montana. Our review of the Notice of Intent was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document. A summary of EPA's rating system is enclosed for your information.

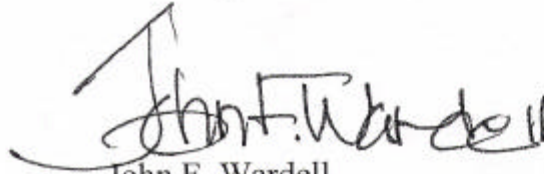
We are enclosing our generic scoping comments for highway projects regarding issues that we believe are significant and should be evaluated in highway EIS's. These comments have been reviewed to assure that they are applicable to the environmental issues likely to be present on the I-15 corridor through the Helena Valley. Our experience has shown that when environmental concerns are thoroughly evaluated, the EIS is a more meaningful document. We



appreciate the opportunity to review this project and provide scoping comments. Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you.

If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 441-1140 ext. 232.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Wardell". The signature is stylized with a large, sweeping initial "J" and "W".

John F. Wardell
Director
Montana Office

Enclosures

cc: Cynthia Cody/Julia Johnson, EPA, 8EPR-N, Denver
Diana Bell, EIS Manager, Carter-Burgess, Denver

**U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
SCOPING COMMENTS REGARDING HIGHWAY CONSTRUCTION
ENVIRONMENTAL IMPACT STATEMENTS**

The following comments are designed to provide a scope of issues, consistent with EPA's concerns, that will help in the creation of an environmental impact statement (EIS) for a highway development project. EPA appreciates the effort and resources that are committed to the preparation of documents of this nature and hopes to facilitate the process with these comments.

Each project analysis has its own unique scope, affected environment, past and proposed impacts, and will require its own level of analysis. For this reason, it is not our intent to provide either a checklist or standard format. Instead, we hope to present you with EPA Region VIII's concept of the kinds of information and level of analysis we feel is appropriate for this type of project to effectively facilitate the disclosure of its proposed impacts and mitigations to the public. EPA intends for these concerns to be a basis for the full public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts of a given highway project. Clear, in-depth analysis of all relevant issues is a requirement in the creation of an EIS.

Readability, a logical presentation of information, consistency between sections of the assessment and clarity are important to the reader. Some documents we review have neither a clear and logical Purpose and Need statement, nor adequate explanation of why the analysis area boundary was established where it was. Highway projects are generally confined to the narrowly defined impact areas along the roadway. However, potential impacts to biodiversity, wildlife and fish, wetlands, stream drainage patterns, fragmentation and connectivity to other projects, may extend beyond such boundaries. An appropriate analysis area should encompass the potentially affected environment, and should be able to function as appropriate unit of analysis for projecting anticipated impacts and for measuring actual effects.

All activities and associated impacts related to project implementation must be disclosed. Statements made in the assessment should be substantiated either by data and analysis included in the document, or by reference to readily available supporting documents. We highly recommend that an alternatives matrix table that summarizes major features and significant environmental impacts of alternatives be provided to facilitate comparative evaluation of alternatives and to sharply define issues for the decision maker and the public to make a reasoned choice among alternatives.

When referencing documents or data not included in the NEPA document, a summary, matrix or data table displaying the information should be included to ensure the reader understands the quality and type of analysis actually completed. Environmental analysis documents frequently do not reflect the level of analysis and data compilation actually completed. Unless clearly documented, the reviewer is unable to establish whether data exists to support conclusions within the analysis.

If applicable, guiding documents that this analysis is tiered to, such as a programmatic Environmental Impact Statement, must be identified as well as any Standards and Guidelines or any project-specific requirements the controlling document prescribes for the type of proposal being analyzed. Additionally, more specific measures are often developed for individual alternatives to mitigate their particular impacts. These measures, as well as their anticipated effectiveness in accomplishing the planned purpose must also be disclosed.

When issued, EPA will review this EIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and the Clean Air Act. Section 309 of the Clean Air Act requires the EPA to review all draft and final Environmental Impact Statement (EIS) documents, develop formal Agency comments and publish them for public review. The EPA publishes in the Federal Register, a dual rating of the DEIS based on the preferred alternative identified in the document. The rating summarizes EPA's evaluation of: 1) the environmental impacts of the proposal, and 2) the adequacy of the draft EIS (See summary explanation of EPA's rating system for EIS's attached). With this broad charge, EPA is not limited in its comments to only the spectrum of laws and regulations for which it has a primary regulatory role. Comments on any aspect of the EIS and supporting documents are appropriate. Ordinarily, the most substantive EPA comments continue to be in areas where it has a specific regulatory mission.

Water Resources

Surface Water

Highway construction and completed highway projects can result in increased surface water runoff, stream channel alteration, wetland modification and other water quality related problems. The document should clearly describe water bodies within the analysis area which may be impacted by project activities. Identifying affected watersheds on maps of the various alternatives helps convey their relationship with project activities. The assessment should reveal what data is available and the condition (reliability, gaps in data, etc.) of that information.

The EPA considers the collection of baseline water quality data at the project level important to provide a comparison with projected impacts as well as actual project impacts. Where water quality information for individual water bodies exists, it must be presented. This would include inventories; baseline data information such as temperature, turbidity, the presence of toxic substances; water quality and the existence of any known point or non-point pollution sources or other problems. Known point sources, areas of geologic or other instability should be identified. Other information relevant to the analysis, such as aquatic species habitat and the condition and productivity of that habitat, should also be included.

It is the goal of the Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters. Montana Water Quality Standards applicable to the affected water bodies should be presented to provide a basis for determining whether beneficial

uses will be protected and water quality standards met. The EIS must clearly demonstrate that project implementation will comply with Montana Water Quality Standards. Water Quality Standards establish designated uses for a water body (or water body segment), support the uses with numeric or narrative water quality criteria, and protect the uses with an anti-degradation or Non-degradation Policy. The EIS should list the designated uses of any affected waters, and it should fully disclose all water quality impacts on these waters.

The EIS should describe the relationship between surface water quality and biota found in affected waters. The EIS should clearly describe the effect of each alternative on designated uses for area surface waters with particular attention to fisheries spawning and rearing habitat. It should also identify which water quality parameters, if any, are limiting factors to local fisheries under each alternative. This information should identify the extent to which fish habitat could be impaired by road construction activities including effects on stream structure, seasonal and spawning habitats, woody debris supplies, and riparian habitats. Impacts to biota and stream stability and deposition patterns due to restrictions in stream bedload transport by highway bridge spans and/or culverts should be evaluated and disclosed.

Information regarding specific water resources in the project area may be obtained from state Section 305(b) water quality assessments. For additional water quality information, contact Mr. Bob Bukantis, Monitoring and Data Management Bureau, MDEQ, at 444-4684.

Nonpoint Source Pollution (Section 319, Clean Water Act)

A discussion of area developments, geology, topography, soils and stream stability in terms of erosion and mass failure potential may be necessary to adequately portray the potential risk to water quality, aquatic habitat and other resources from the implementation of specific alternatives. Section 319 of the Clean Water Act requires that Federal actions be consistent with State Nonpoint Pollution Management Plans. The Federal consistency provisions of Section 319 represent an opportunity for State and Federal agencies to more closely coordinate their activities and cooperate in achieving water quality goals. If a state determines that a Federal project is not consistent with the provisions of the non-point source pollution program, the Federal agency must make efforts to accommodate the State's concerns. Executive Order 12372 provides guidelines for using the State intergovernmental review process for conducting Section 319 federal consistency reviews.

The appropriate State-identified Best Management Practices to reduce potential non-point sources of pollution from highway construction and maintenance must be designed into the alternatives under consideration and disclosed. Existing water quality conditions in NEPA documents should reflect the State's water quality assessment. Direct or indirect non-point source water quality effects should be reduced through design and through mitigation measures to ensure consistency with the state's non-point source pollution program. The State contact for Federal consistency and non-point source pollution issues is, Mr. Jim Bauermeister at MDEQ in Helena at 444-6771.

The proposed monitoring program to be used for determining effects on water quality and the aquatic environment must be disclosed in the assessment. The design of this program must:

- 1) ensure State water quality objectives are met,
- 2) provide a mechanism to initiate additional measures if needed to meet State water quality standards and goals,
- 3) evaluate the effectiveness of the Best Management Practices utilized in this project,
- 4) evaluate the accuracy of estimates made in the analysis, and
- 5) provide a feedback mechanism for future projects.

The following documents are good references for developing such a program:

Monitoring Guidelines to Evaluate Effects of Forestry Activities in the Pacific Northwest and Alaska; Lee H. McDonald, Alan W. Smart and Robert C. Wissmar; May 1991; EPA/910/9-91-001;

Rapid Bioassessment Protocols for use in Streams and Rivers; James A. Plafkin, May 1989, EPA/444/4-89-001.

Montana Forestry BMP's; Extension Publications; July 1991, Montana State University; EB0096.

"Montana Stream Management Guide; for Landowners, Managers, and Stream Users", Montana Dept. Of Environmental Quality; December 1995.

Storm Water Runoff

Storm water discharges associated with highway construction are an industrial activity according to EPA's Storm Water Regulations (40 CFR 122.6). Highway construction projects must obtain an MPDES/NPDES storm water permit if construction activities will disturb five or more acres of land. For projects within the jurisdiction of small municipalities (less than 100,000 people), and under five acres, other requirements may apply. Construction activities may be covered by a general MPDES/NPDES permit rather than an individual permit. If a storm water permit is required, on site notification must be posted, along with a pollution prevention plan.

Normal highway runoff, aside from significant spills of hazardous material, contains contaminants which could affect surface and ground water quality. The EIS should characterize the quality of streams, lakes, and ground water resources in the vicinity of the project as well as the quality of the anticipated highway runoff. Provisions for hazardous waste containment in

case of a spill, and means of collection and treatment of storm water runoff should also be included. If there are any questions about storm water permitting activities, contact Nick Bugosh at MDEQ at 444-3927.

Antidegradation/Nondegradation Policy

Activities associated with highway construction projects, particularly when considering the cumulative effects of emergency and scheduled repairs and maintenance, have the potential to degrade water quality. If an antidegradation analysis is required as specified in 40 CFR 131.12 [also see 40 CFR 131.12(a)(2); E.O. 12088 (CWA Section 313); and E.O. 12372 (CWA Section 319)], and/or Nondegradation analysis as specified in ARM 17.30.701-717, they must be included in the document.

These policies were developed to assure that designated surface water uses will not be degraded. Antidegradation/Nondegradation Policies provide protection for surface waters that currently meet Water Quality Standards (Tier 1 waters), currently exceed Water Quality Standards (Tier 2 waters), and/or are considered of outstanding value (Tier 3 waters).

The State determines the "Tier" of a waterbody under this policy, although EPA can provide guidance on determining surface water quality status. The policy's three tiers of protection are:

Tier 1: No activity is allowed which would partially or completely eliminate any existing beneficial use of a waterbody, regardless of whether that use is designated in a state's Water Quality Standards. If a proposed activity would partially or completely eliminate a beneficial use, it must be avoided or adequate preventive measures must be taken to ensure that existing uses and associated surface water quality will be fully maintained.

Tier 2: The quality of surface waters exceeding "fishable/swimmable" levels (i.e., "high quality waters"), shall be maintained and protected unless the following are completed:

- (1) A finding that degradation is necessary to accommodate important economic or social development in the area in which the waters are located;
- (2) Full satisfaction of all intergovernmental coordination and public participation provisions; and
- (3) Assurance that the highest statutory and regulatory requirements and standards for pollutant controls are met.

This provision is intended to provide relief only in extraordinary circumstances where the economic and social need for an activity clearly outweighs the benefit of maintaining surface water quality over that required for "fishable/swimmable" water. The burden of proof on a project proponent for such activity is very high. However, the proposed activity shall not preclude the maintenance of a "fishable/swimming" level of surface water quality.

Tier 3: "High quality waters" which are considered outstanding national resources shall be maintained and protected.

Ground Water

The 1996 Amendments to the Safe Drinking Water Act require all States with primary enforcement authority for public water supply supervision programs (such as Montana) to assess the source of drinking water for all public water systems (PWSs) within the State. The State Source Water Assessment Program (SWAP) includes these steps:

- 1) The State, or a delegated entity, shall delineate a source water protection area (SWPA) for each PWS. This is either a wellhead protection area for a ground water source or the watershed area upstream of the drinking water intake structure, to the headwaters or the State boundary. Most State programs designate critical zones within large watershed areas to focus the assessment and help the PWS make management decisions. Ground water sources significantly effected by surface water shall use BOTH methods to determine the appropriate SWPA.
- 2) The assessment must inventory potential sources of contamination within the SWPA. This includes both point sources and land uses or activities which may pose a threat to the water supply.
- 3) The assessment must determine the susceptibility of the drinking water system to contamination from identified sources. This susceptibility analysis must help the PWS make contaminant source management decisions, should they move on into source water protection.
- 4) The PWS must be provided with this information, which must also be made available to the public. Consumer Confidence Reports of community PWSs will include a summary of the assessment and information on how to get a copy of the complete assessment.

Source Water Protection is not required, except as it exists under the Wellhead Protection Program, but is strongly encouraged. Because of extensive public involvement required in the development of the SWAP and the requirement to make the completed assessment for each water

system available to the public, it is hoped that locally based protection programs will grow out of the assessments. The assessments will also be valuable planning tools for operators for PWSs, and for local, State, and Federal governments.

Ground water under a highway construction area may serve as a drinking water supply and/or a recharge source of nearby surface water bodies. Accordingly, contamination from highway construction activities could have an adverse public health or ecological impact on such resources. An assessment of activities and potential contaminants used in the highway project should be conducted to determine risk of the project to ground water. Mitigation measures should be developed to assure that the ground water is adequately protected from the identified risks. The discussion of groundwater protection may include:

- identification, characterization and mapping of aquifers and confining beds
- definition of flow system (ie. recharge and discharge areas, flow direction)
- identification of current and anticipated groundwater uses (eg. domestic, municipal, industrial)
- listing BMPs to be used for aquifer protection

With regard to water supply wells or springs, the Department of Transportation needs to work with State environmental authorities and water purveyors (including private well owners) to identify what part, if any, of the project crosses present or planned water supply recharge areas. Highway authorities should also determine whether the project is located in a delineated Wellhead Protection Area. Locally mandated wellhead program mitigation measures should be followed to protect the water supplies. The state contact for the Wellhead Protection Program is Joe Meek at MDEQ at 444-4806.

Underground Storage Tanks

EPA considers leaks from Underground Storage Tanks (UST's) a serious threat to human health, soil, and ground water resources. Unidentified UST's containing petroleum and hazardous substances could be encountered during highway construction. Many of these tanks have been abandoned and still contain petroleum residues. If any UST's are found in the proposed right-of-way, Theresa Blazicevich of MDEQ at 444-0493 must be notified.

The EIS should address any known impacts associated with the closure (in situ or removal) of the tanks. For unknown impacts the EIS should address site assessments, initial response (if a leaking tank is discovered), corrective action plans to treat contamination caused by leaking UST's, disposal procedures for the tank, and contaminated soils and ground water.

Hazardous Waste Sites

Highway routes and potential rights of way should be examined for proximity to hazardous waste sites. Projects that located near hazardous waste sites should provide mitigation measures that will safely avoid hydrologic and other disturbances of these sites. Mr. Mike Trombetta of MDEQ at 444-5877 may be contacted as an information source for hazardous waste sites in the area. A commonly used source for identification of known hazardous waste sites is the CERCLIS inventory generated from the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Wetlands

The document must clearly describe the existing wetlands within the analysis area; their acreage, type and ecological role and how both acreage and function will be protected. Road construction clearing and earthwork generally include sedimentation and hydrologic impacts which at some level may cause changes to surface and subsurface drainage patterns and, ultimately, wetland integrity and function. Executive Order 11990 requires that all Federal Agencies protect wetlands.

For purposes of Clean Water Act section 404 permits where dredge or fill activity is proposed in waters of the United States, all aquatic resource areas, including wetlands, should be clearly identified and assessed in relation to project impacts. Wetlands are one of a number of "Special Aquatic Sites" referenced in the section 404(b)(1) Guidelines. The section 404(b)(1) Guidelines provide the substantive environmental criteria for protecting waters of the U.S. under section 404 of the Clean Water Act. Wetlands are significant environmental resources that provide a wide range of important functions and values. They have experienced severe cumulative losses nationally. For these reasons protection of wetlands and other important aquatic resource habitats is a high EPA priority.

Wetlands in the project area should first be identified and delineated consistent with the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report and its recent guidance on implementation. Delineation should be followed by a functional assessment to determine the extent and importance of existing wetland and aquatic resources. Several options such as the Hydrogeomorphic (HGM) Wetland Assessment Method are available for use in determining wetland and associated aquatic resources functions and their values. Any special features such as rare or unique habitats should receive special attention. Once the wetland functions are defined, the possibilities for mitigating potential impacts can be explored.

Avoidance of wetland losses is a primary requirement of the Section 404(b)(1) guidelines [40 CFR 230.10(a)]. The Corps of Engineers and EPA, through their Mitigation Memorandum of Agreement, state they will "... strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall

net loss of values and functions." Planning and design should seek to avoid impacts wherever possible, to minimize impacts which are unavoidable, and, as a final alternative, to provide adequate compensation for all unavoidable impacts. This will require a thorough evaluation of all less environmentally damaging project alternatives. For non-water dependent activities, such as roads, alternatives to siting in wetlands are presumed to be available unless demonstrated otherwise. Avoidance is required before compensatory mitigation will be considered.

The document must provide a clear description of anticipated direct, indirect and cumulative adverse impacts to wetlands from all planned activities. In accordance with the Clean Water Act, wetland mitigation strategies, methods and programs should be disclosed in the assessment and included in the overall site mitigation plan. We recommend that a detailed compensatory mitigation plan be developed for unavoidable wetland and aquatic resource impacts (see attached Mitigation Plan Requirements). This mitigation plan should include consideration of both direct, indirect, and cumulative effects. It should contain a statement of goals, a monitoring plan, long-term management/protection objectives and a contingency plan (a commitment to conduct additional work if required to meet the goals of the plan). The mitigation plan should also include best management practices and mitigation measures that will manage stormwater runoff from roadways before it reaches wetlands, streams and other aquatic habitats. In general, wetlands, including mitigation wetlands, should not be used for treatment of stormwater.

The 404(b)(1) Guidelines and Corps of Engineers and EPA 404 program staff should be consulted for specific guidance on the scope of avoidance and minimization alternatives that need to be addressed. We recommend coordination with the Corps of Engineers (Corps Montana Office Director Mr. Allen Steinle in Helena at 441-1375), Fish and Wildlife Service (Mr. Scott Jackson at 449-5225), and other state and federal resources agencies when developing alternatives to determine whether impacts to wetlands can be eliminated or reduced. The need to select alternatives which avoid impacts to U.S. waters must be addressed during the 404 permit process.

To assure consistency with the 404(b)(1) Guidelines, a thorough analysis of all possible alternatives to avoid and minimize wetland and aquatic resource habitat impacts should be addressed through the NEPA EIS process. These alternatives can include project design changes including roadway alignment reconfiguration, modifications to size and configuration, bridges, construction on pilings as opposed to fill, abandonment of realignment proposals in highly sensitive areas, or use of safety devices to meet road safety objectives. We recommend that a draft 404(b)(1) analysis be prepared for the preferred alternative and appended to the EIS. This will help assure that 404 regulatory requirements are properly integrated into the NEPA process as directed by the CEQ regulations (40 CFR 1500.2(c)). We suggest that the Department of Transportation meet with resource agencies, including EPA, to discuss mitigation options. We suggest that impacts to wetlands and streams be discussed at the Montana Interagency Wetland Group meetings that are held on a bimonthly basis. This group is chaired by Mr. Gordon Stockstad of the MDT, Environmental Services Unit.

Air Quality

The effects of the various alternatives on air quality must be quantified. Generally, the primary air quality concern with highway construction is the effect of motor vehicle emissions on air quality and their impact on 1) non-attainment areas, 2) Class I and II protection areas and 3) areas where an air quality standard could be violated by increases in emissions due to increased motor vehicle use facilitated by completion of the project. Existing air quality and meteorological monitoring data should be presented, as well as needed data gathering to adequately perform air quality analysis and any monitoring proposed.

The air quality analysis must demonstrate that the proposed alternative would not cause or contribute to any violations of the National Ambient Air Quality Standards, that it will not cause the air quality to degrade by more than any applicable PSD (Prevention of Significant Deterioration) increment, and that it will not cause or contribute to visibility impairment.

The following discussion presents the general criteria by which an EIS dealing with mobile sources is evaluated for air quality impacts. This discussion presents the areas to be considered rather than the details of the analysis.

- (1) A description of the existing air quality should be presented, including the study areas designation of attainment or non-attainment of National Ambient Air Quality Standards.
- (2) A localized analysis of pollutants particularly carbon monoxide (CO) is needed. In most cases the eight-hour standard of 9 ppm is the controlling standard. However, it is useful to provide both one-hour and eight-hour concentrations. This analysis is required and should be proportional to the scope of the project.
- (3) Areawide analysis should be done for CO, PM₁₀ (emissions and particulates made airborne from automobile use), and Volatile Organic Compounds as well as any other criteria pollutants or hazardous pollutants which may be affected by the project. This analysis may not be necessary if the project is included in the State Implementation Plan (SIP) emission inventory.
- (4) The analysis should include a comparison of the "No Build" and all Build alternatives for existing conditions, worst case conditions, and the design years.
- (5) The traffic analysis should show the project's impact on average daily traffic and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projections in the SIP.
- (6) Construction impacts and appropriate control measures to be taken should be discussed.

- (7) Monitoring should be conducted at areas of maximum concentration to which the public may be exposed. Refer to 44 FR 27586 (May 10, 1979) for monitoring guidance.
- (8) An appropriate model should be used, based on the project scope. MOBILE 5A is the most recent mobile source emission factor model released by EPA.
- (9) A determination of whether the project conforms to the State Implementation Plan is required in Section 176(c) of the Clean Air Act (as amended November 15, 1991).

Section 176(c) of the Clean Air Act

The analysis must describe any state or local air quality regulations or State Implementation Plan (SIP) requirements covering specific activities occurring as part of the project construction and/or implementation, and how compliance with those regulations or requirements will be achieved.

The conformity provisions of the Section 176(c) of the Clean Air Act requires that all federal actions conform to existing State Implementation Plans (SIP's), and prohibits federal agencies from taking any action that causes or contributes to a new violation of the NAAQS, increases the frequency or severity of an existing violation, or delays the timely attainment of a standard. Under section 176(c), the federal agency responsible for a proposed action is required to determine if its action will conform to the applicable SIP before the final EIS is completed. The final rule on the conformity provision can be found in 40 CFR Parts 51 and 93.

Wildlife Effects

In the case of new highway alignments or widening of existing roads, and providing additional access to restricted access highways such as Interstate Highways, the EIS should evaluate direct and indirect (induced growth) wildlife effects. Affected environment sections should include current quality and capacity of habitat, usage by wildlife near the proposed project, and impacts upon known wildlife corridors/trails and habitat fragmentation. Existing wildlife mortality should be disclosed if known. Environmental Consequences sections need to evaluate increased mortality from higher traffic levels, habitat removal, reduced access to available habitat and habitat fragmentation, effects on biodiversity (see Biodiversity below), and estimated reductions in impact from mitigation. The mitigation sections should include analysis of the following:

The extent to which stream crossings can be modified to also serve as wildlife crossings. (Assuming stream crossings coincide with areas where there is wildlife movement or an opportunity to reduce mortality rates). Crossings should be dedicated for wildlife use to reduce wildlife mortality, connect habitat areas, and reduce traffic accidents. Crossings

should be of sufficient width, contain minimal dark passages, and employ wing fencing techniques.

We draw your attention to the FHWA publication entitled, **“Critter Crossings, Linking Habitats and Reducing Roadkill,”** U.S. Dept. of Transportation, FHWA, Office of Natural Environment, February 2000.

Threatened and Endangered Species

If the proposed activities could affect threatened or endangered species, the EIS should include the Biological Assessment and the associated U.S. Fish and Wildlife Service (FWS) Biological Opinion or formal concurrence for the following reasons:

- (1) NEPA requires public involvement and full disclosure of all issues upon which a decision is to be made;
- (2) The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA strongly encourage the integration of NEPA requirements with other environmental review and consultation requirements (40 CFR 1502.25); and
- (3) The Endangered Species Act (ESA) consultation process can result in the identification of mandatory, reasonable, and prudent alternatives which can significantly affect project implementation.

Both the Biological Assessment and the EIS must disclose and evaluate the potential impacts of the proposed action on listed species. The full disclosure mandate of NEPA suggests that the consultation be instigated as soon as possible. Thus, the final EIS and Record of Decision should not be completed prior to the completion of ESA consultation. Treating the consultation process as a separate parallel process that is not closely involved with the NEPA process represents a risk because during the consultation, FWS could identify additional impacts, new mitigation measures, or changes to the preferred alternative. If these changes have not been evaluated in the final EIS, a supplement to the EIS could be warranted.

Biodiversity

While generally not a major issue of concern for smaller road improvement projects, biodiversity may be a critical consideration for new alignments, major reconstruction or when special habitats (i.e., wetlands, threatened and endangered species habitat) will be affected. The state of the art for this issue is changing rapidly.

Biodiversity is the variety of life. It includes the number, abundance, and distribution of each species. It includes species diversity, gene pool diversity, and ecosystem diversity. The

concept of biodiversity also includes the processes of interaction among species. Maintenance of biodiversity can minimize the need for listing species as threatened or endangered.

The scale used for the analysis should be described in the EIS. A landscape scale perspective is generally appropriate unless the presence of biotic species that inhabit a wide range of landscapes indicates a need for a larger scale (e.g., wide ranging predators or neotropical birds). Where indicator species are used, they should be representative of discrete specific habitats or conditions. Specifically, the document should address:

- (1) The diversity and uniqueness of flora and fauna that exists in the analysis area. A review of local climatic diversity, topography and ecotones may be helpful in identifying local biodiversity. The presence of threatened, endangered or sensitive species; communities that are at the edge of their range; or the identification of "gap" habitats indicate a greater need for analysis than homogenous habitats. Similarly, a discussion of nearby, large, undisturbed habitats that add to local diversity stability (such as wilderness or roadless areas) would be informative.
- (2) The effects of the proposed alternative actions on the maintenance of diversity.
- (3) The cumulative effects of past projects, proposed and approved future projects on diversity stability, fragmentation, connectivity with adjacent landscapes, and disruption to processes or functions.

Indirect Effects

The Council of Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA state that the environmental consequences section of an EIS should include: "Indirect effects and their significance (40 CFR 1502.16(b))." Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include **growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.**" (40 CFR 1508.9(b)) The CEQ regulations also indicate that the EIS should include the "means to mitigate adverse environmental effects." (40 CFR 1502.16(h)) This provision applies to indirect effects as well as direct effects.

New highway construction that improves traffic flow and eliminates congestion could increase access and contribute to induced residential, commercial, and industrial growth. In many situations, one can argue that this type of growth is an inevitable, natural progression. However, *increased rates of growth* in these areas, caused by a highway project, constitute indirect effects and should be evaluated in the EIS. Induced residential, commercial, and industrial growth can adversely affect water quality, wetlands, and other natural resources.

These types of indirect effects and appropriate mitigation measures should be fully disclosed in the EIS.

The following list represents examples of resources that could be affected by increased growth and urbanization induced by the proposed highway improvements:

- water quality and hydrology of lakes, streams, and ground water;
- floodplains and wetlands;
- vegetation and wildlife;
- biodiversity;
- prime and unique farmlands;
- air quality;
- transportation;
- regional and community growth; and
- land use, property values, employment, and tax revenues.

Induced growth can result in reasonably foreseeable adverse effects to surface water quality, habitat, wetlands, and social/economic services. Since the CEQ regulations require an analysis of indirect effects, the best time to identify these effects is now, when there is better opportunity to avoid, minimize or mitigate for them.

Much of the mitigation for indirect effects is subject to regulation by the city/county in which the highway will be constructed. The EIS should serve the function of offering the city/county adequate notice of the foreseeable environmental consequences, thus providing the opportunity to plan and implement corrective measures, if needed, in a timely manner.

The analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. Although comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects.

The EIS should identify the local land use controls that affect or regulate new development with regard to induced growth. If this analysis occurs before the highway project is completed, the city/county will be in a better position to effectively plan for future growth and develop mitigation measures for the impacts resulting from induced growth.

Cumulative Effects

NEPA requires that cumulative impacts be addressed as a summary of the individual impacts of this and all other "reasonably foreseeable" projects, including activities on private, adjacent land irrespective of what agency or entity has decision-making authority or analysis responsibility. The cumulative, site-specific effects of these projects on the analysis area's environment must be analyzed and disclosed. A common inadequacy of documents is the lack of

analysis or disclosure of the sum of individual effects of all projects on the local environment. A summary listing of other projects occurring in the vicinity without the accompanying analysis is insufficient.

Connected actions which result in increased cumulative effects are of concern to the EPA. Some examples are:

- o Linked Developments - If the construction of a new road or reconstruction of an existing road will likely facilitate or cause additional developments, the effects of these linked impacts must also be analyzed.
- o Maintenance and Debris Disposal - Road standards and design have a major effect on scheduled and unscheduled maintenance needs. The needs for normally scheduled maintenance debris from ditch cleaning, sanding as well as anticipated but unscheduled maintenance, such as debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects. Past practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas and are inappropriate. Plans for long term normal as well as emergency maintenance programs should be disclosed in the NEPA document and a specific site disposal plan describing proper site development, disposal of debris and timely rehabilitation of completed portion to prevent invasion by noxious or undesirable vegetation should be prepared. Plans for management of roadside vegetation through the use of herbicides also require disclosure.
- o Winter maintenance - The EPA is concerned about the proximity of wetlands, riparian areas and streams to many roads. Winter maintenance often results in the introduction of sediment and salt either directly or indirectly to the stream and associated riparian and wetland resources. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than of one specific incident. Snow plowing subsequent to sanding moves sand and salt off the roadbed to the adjacent ditchline and fill slopes. It then migrates downhill until it is deposited in streams or forms a carpet on gentle ground. When this occurs in a wetland, the area's functional abilities are altered. When winter maintenance may potentially affect wetlands, riparian areas or water quality, the effects of the program must be disclosed in a NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

Road agencies often initiate winter maintenance on roads neither designed nor previously managed as all-weather roads. Therefore, even if winter maintenance is not anticipated at the time the NEPA document is developed, it must still be analyzed. Alternatively, a mechanism may be initiated that would explicitly disallow the practice of winter maintenance until documentation of the effects of such a program and its associated

impacts is completed.

Route selection, alignment, road design standards, key topographic features, and the linear nature of roads often result in a road which has a predilection to affect a particular component of the environment. The classic example of this is the road in the bottom of a narrow valley and its effects on the stream and associated riparian and wetland areas and resident wildlife. Construction of long, continuous segments of guardrail and snowplowing may also have unfortunate effects on wildlife. These types of effects must be disclosed.

As stated earlier, this discussion is not intended to serve as an all-inclusive list or a checklist. Instead, we have attempted to present the primary issues that EPA Region VIII considers most relevant for this type of project as well as those items that have occasionally not been sufficiently addressed in similar analyses. Our goal of this discussion is to provide a basis for conducting the project analysis that results in a comprehensive assessment of the environmental effects, adequate public disclosure and ultimately an improved decision-making process for selecting among the project alternatives. We sincerely hope that this will be beneficial to you and would appreciate any comments or questions regarding the issues discussed.

Mitigation

A comprehensive discussion of proposed mitigation for direct, indirect and cumulative impacts is required by the CEQ Regulations for Implementing the Procedural Provisions of NEPA. The CEQ regulations state that an EIS should include the means to mitigate adverse environmental effects (40 CFR 1508.7). Judicial reviews of NEPA cases have supported not only the need for identifying mitigation measures, but for discussing mitigation effectiveness as well. Mitigation effectiveness is determined by using a monitoring procedure designed to compare baseline data with existing conditions.

Monitoring

The EIS should include a discussion of monitoring for each resource category determined to be significant through the scoping process, including fisheries and water quality. A properly designed monitoring plan will demonstrate how well the preferred alternative resolves the identified issues and concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects.

The monitoring plan should include types of surveys, location and frequency of sampling, parameters to be monitored, indicator species, budget, procedures for using data or results in project implementation, and availability of results to interested and affected groups.

The EIS should describe the feedback mechanism which can compare baseline data with monitoring results to adjust standard operating procedures, monitoring intensity, and protocol at first detection of adverse effects. Provision of such an adjustment process ensures that mitigation strategies will improve in the future and that unforeseen adverse effects are identified and minimized.

Noise

We recommend that the following information be included in the EIS to describe the existing environment and to evaluate the noise effects of the proposed project and the alternatives.

- (1) the existing and anticipated land uses near the project site or route that have a sensitivity to noise and the number of people living near the route;
- (2) the existing noise levels adjacent to the proposed alignments;
- (3) the predicted noise levels from alternatives;
- (4) the noise abatement measures that will be used to reduce noise from the completed project and noise generated during construction including noise walls, building insulation and acquisition;
- (5) the number of residences/businesses exceeding noise thresholds for each alternative;
- (6) the number of residences/businesses exceeding a 10 dBA increase in noise levels (show on a map); and
- (7) the facilities that can not be protected by noise abatement measures and the impact on the occupants.

Mitigation Plan Requirements

Mitigation plans required pursuant to Section 404 shall be prepared by a qualified wetlands professional and shall contain, at a minimum, the following elements:

I. Project Description

- (1) Location of Project
- (2) Brief Summary
- (3) Responsible Parties
- (4) Map Indicating Jurisdictional Area and Area of Proposed Fill
- (5) Habitat Type(s) and System Functions to be Impacted
 - (a) Cowardin Classification
 - (b) Soil Characteristics (e.g., Soil Survey Classification and Series, Organic Content, Structure, Texture, Permeability)
 - (c) Functional Assessment
 - (d) Relationship to Aquatic and Upland Resources within the Watershed
 - (e) Relevant Hydrologic Factors (e.g. Water Depths, Velocity, Hydroperiod)

II. Mitigation Goals and Objectives

- (1) Habitat Type(s) and System Functions to be Created, Restored, or Enhanced
- (2) Relevant Hydrologic Factors (e.g. Water Depths, Velocity, Hydroperiod)
- (3) Temporal Impact/Loss
- (4) Replacement Ratio

III. Success Criteria/Performance Standards

- (1) Target Wildlife/Vegetation Characteristics
 - (a) Wildlife/Vegetation Target Species
 - (b) Wildlife Habitat Attributes
 - (c) Percent Vegetation Cover
 - (d) Species Diversity and Richness
 - (e) Structure/Canopy Stratification
 - (f) Above/Below Ground Biomass
- (2) Target Hydrologic Regime
 - (a) Source(s) of water
 - (b) Discharge Points
 - (c) Water Depths
 - (d) Water Velocity
 - (e) Hydroperiod
 - (f) Area to be Affected
 - (g) Direction(s) of Flow
 - (h) Size of Watershed
- (3) Target Soil Characteristics
 - (a) Organic Content
 - (b) Texture
 - (c) Structure

IX. Monitoring Plan

- (1) Performance Criteria (Refer to Section III)
- (2) Monitoring Methods
- (3) Annual Reports (Minimum 5 Years)
- (4) Schedule
- (5) Responsible Parties

RESTORATION EVALUATION PLAN

1. The project will contribute to increased ecosystem functioning within the watershed.
2. The restoration project, once completed, will be self-sustaining, requiring minimum maintenance and other human intervention.
3. The project will support a broad range of functions.
4. The project will contribute to the restoration of historic ecosystem composition and biodiversity.
5. Anticipated watershed land use will not negatively affect system functioning.

September 21, 2001

Mr. Steve Dolby
Fisheries Biologist
Montana Dept. of Fish, Wildlife & Parks
Fisheries Division
Helena Area Resource Office
1420 E. Sixth Avenue
Helena, MT 59601

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Dolby:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

We are requesting a scoping letter from your agency describing any environmental resources or issues that need to be addressed in this EIS. The project area is along the I-15 corridor in the Helena region from the Montana City interchange north, for 13 miles, to the Lincoln Road interchange. The general legal description of the project area is T9N, R3W, Sections 2, 3, 4, 10, 11, 14, T10N, R3W, Sections 5, 8, 17, 20, 28, 29, 32, 33, 34, and T11N, R3W, Sections 17, 20, 29, and 32. A project map is attached for reference.

Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Stephen (Steve) Potts
NEPA Coordinator
EPA Region 8 Montana Office
Federal Building
301 S. Park Avenue
Helena, MT 59626-0096

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Potts:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Joseph Warhank
Montana Historical Society
State Historic Preservation Officer
1410 Eighth Avenue
P.O. Box 201201
Helena, MT 59620-1202

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Warhank:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Paul Cartwright
Senior Environmental Analyst
Montana Department of Environmental Quality
Planning, Prevention & Assistance Bureau
1520 E. Sixth Avenue
P.O. Box 20091
Helena, MT 59620-0901

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Cartwright:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

We are requesting a scoping letter from your agency describing any environmental resources or issues that need to be addressed in this EIS. The project area is along the I-15 corridor in the Helena region from the Montana City interchange north, for 13 miles, to the Lincoln Road interchange. The general legal description of the project area is T9N, R3W, Sections 2, 3, 4, 10, 11, 14, T10N, R3W, Sections 5, 8, 17, 20, 28, 29, 32, 33, 34, and T11N, R3W, Sections 17, 20, 29, and 32. A project map is attached for reference.

Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Todd Tillinger, P.E.
Helena Regulatory Office
U.S. Army Corp of Engineers
301 S. Park Avenue, Drawer 10014
Helena, MT 50626-0014

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Tillinger:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Scott Jackson
U.S. Fish & Wildlife Service
100 No. Park Avenue, Suite 320
Helena, MT 59601

Subject: Request for scoping letter.
Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Jackson:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

We are requesting a scoping letter from your agency describing any environmental resources or issues that need to be addressed in this EIS. The project area is along the I-15 corridor in the Helena region from the Montana City interchange north, for 13 miles, to the Lincoln Road interchange. The general legal description of the project area is T9N, R3W, Sections 2, 3, 4, 10, 11, 14, T10N, R3W, Sections 5, 8, 17, 20, 28, 29, 32, 33, 34, and T11N, R3W, Sections 17, 20, 29, and 32. A project map is attached for reference.

Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 21, 2001

Mr. Larry Cole
Lands Forester
U.S. Forest Service
Helena Ranger District
2001 Poplar
Helena, MT 59601

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Cole:

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and Public Scoping meeting, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 25, 2001

Mr. Mark Anner
Area Manager
Montana Department of Natural Resource and Conservation
Central Lands Office
8001 N. Montana Ave.
Helena, MT 59602

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Anner:

An EIS is being prepared for the I-15 corridor through the Helena Valley. As part of the preparation of an environmental document, it is necessary to scope out all of the affected resources.

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and a Public Scoping meeting held, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

September 25, 2001

Mr. Lex Riggle
USDA NRCS
Helena Field Office
790 Colleen St.
Helena, MT 59601-9713

Subject: Request for scoping letter.

Project: I-15 Corridor (Montana City to Lincoln Road) EIS

Dear Mr. Riggle:

An EIS is being prepared for the I-15 corridor through the Helena Valley. As part of the preparation of an environmental document, it is necessary to scope out all of the affected resources.

On September 12, 2001 the first Interdisciplinary Team (ID Team) meeting was held with a large representation from interested agencies, and a good discussion occurred about the I-15 Environmental Impact Statement (EIS) process and information needed. In addition to the information gathered at the recent ID Team meeting and a Public Scoping meeting held, we would like to request a formal scoping letter from each resource, cooperating or permitting agency with interest in this project.

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Please feel free to contact me at 303-820-4866 or belldl@c-b.com if you have any questions.

Best Regards,

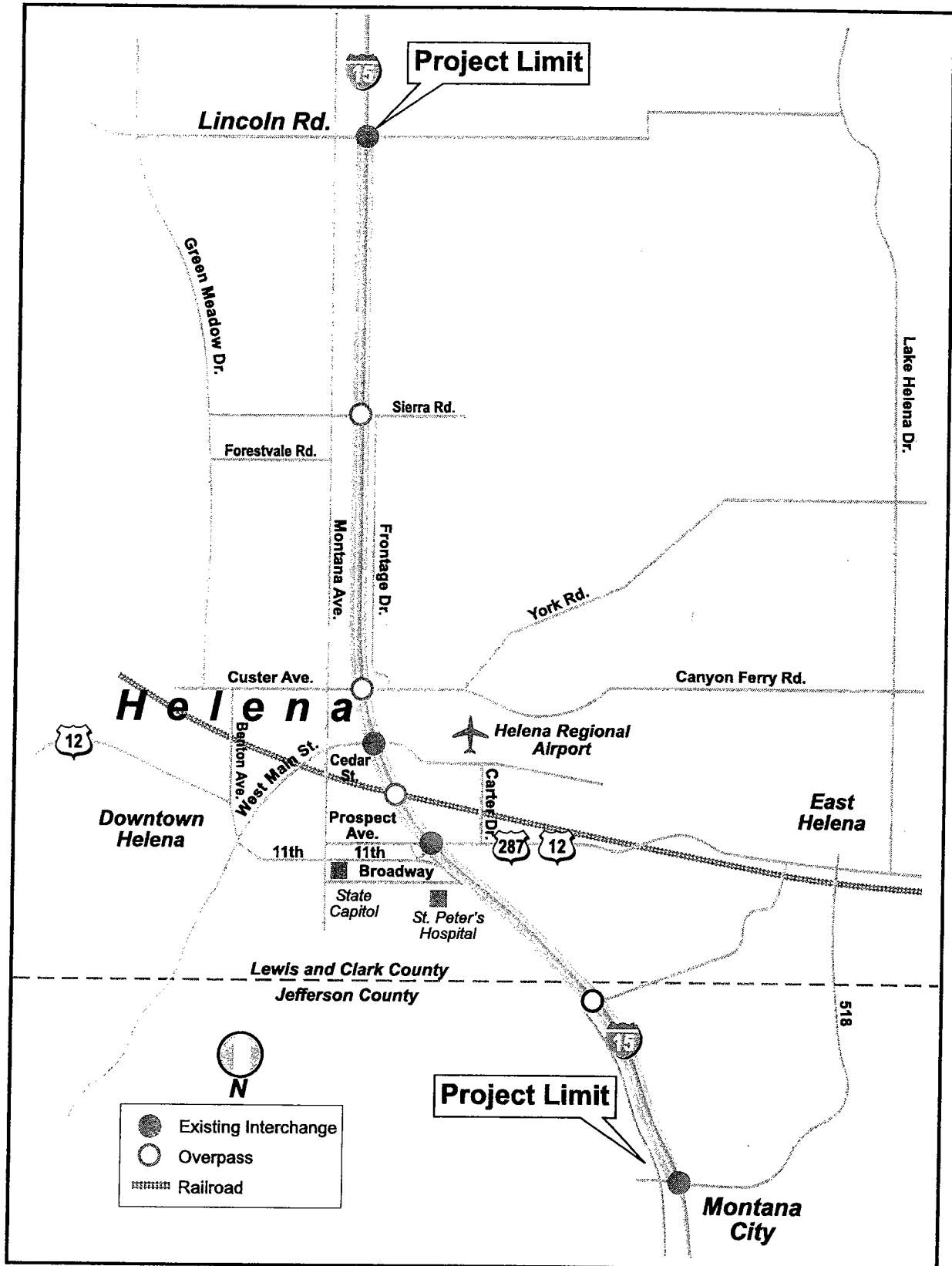
Diana Bell
EIS Manager

DB/tkh

Attachment

cc: Kim Gambrill
Ed Larson
Carl James
I-15 File

I-15 Corridor Study Area





Montana Department of
ENVIRONMENTAL QUALITY

Judy H. Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

September 27, 2001

Diana Bell
Carter-Burgess
216 Sixteenth Street Mall
Suite 1700
Denver, CO 80202

Dear Ms. Bell:

RE: I-15 Corridor (Montana City to Lincoln Road) EIS

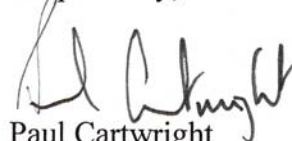
You requested a scoping response letter from the Department of Environmental Quality describing any environmental resources or issues that need to be addressed in the EIS. Our areas of concern follow. Once specific locations for interchanges are identified, the EIS team may wish to talk to the contacts listed below.

1. Any interchange construction project would typically require coverage under the MPDES "General Permit for Storm Water Discharges Associated with Construction Activity." Contact Brian Heckenberger (406-444-5310) for further information for preparation of the EIS. Interchanges built in or near state waters on public and private lands may need a 318 Authorization for short-term turbidity problems. Contact Jeff Ryan (406-444-4626) for further information. Both these authorizations should be obtained from DEQ's Water Protection Bureau prior to the start of construction.
2. The interchanges would be in the watersheds of streams on the 2000 Montana 303(d) List. These are the Prickly Pear Creek (MT 41I006_040) and Ten Mile Creek (MT 41I006_143). For both these streams, the probable sources of impairment includes Highway/Road/Bridge construction. TMDLs for these streams are scheduled to be completed by the end of 2003. The issuance of a discharge permit is not precluded because a TMDL is pending (see MCA 75-5-703 (10) for details). However, strategies adopted to meet these standards possibly could affect future projects constructed near these streams. Contact Carole Mackin (406-444-7425) for further information.

3. The Helena area is not in violation of any state or federal air quality standards. However, the area around the ASARCO smelter in East Helena is designated nonattainment for sulfur dioxide and lead. DEQ maintains particulate matter (PM) monitors at Lincoln and Rossiter Schools. Historical data are available for the Lincoln School site since 1988 and for the Rossiter School site since 1996. DEQ is not currently monitoring for carbon monoxide (CO), but such monitoring is scheduled for the near future. Based upon professional judgement, DEQ believes that continued growth in current traffic patterns may put the area at risk of violating state and federal air quality standards for PM and/or CO. MDT already has incorporated this assessment into its MACI program. Contact Bob Habeck (406-444-7305) for further information.
4. The Burlington Northern Fueling Facility and the Helena Regional Airport both are medium priority CECRA (State Superfund) sites. Contact Denise Martin (406-444-0488) for further information.
5. Underground storage tanks may or may not be a concern for any new interchanges in the corridor. A map of the known tanks can be found at Underground Storage Tank Data (<http://nris.state.mt.us/mapper/ust2/ust.asp?ProfileID=23>). Click on "search by highway", "select" in the highway section, and then "I-15 US287." For further information, contact Bill Rule (406-444-0493).
6. Changes in the transportation network have been associated with increased amounts of driving and with the spread of low-density and leapfrog development. The cumulative effects of these could impact air quality, groundwater quality and vulnerability to fuel supply disruptions. If you need to discuss these further, contact Bob Habeck (406-444-7305), Joe Meek (406-444-4806) or Paul Cartwright (406-444-6761) respectively.

In addition to the above issues related directly to the agency's responsibilities, I received numerous comments from DEQ employees about the difficulty of travel between our two buildings, which requires crossing I-15. The Interstate is a major barrier to bike and ped travel, especially for visually impaired people who can't drive. Also, several employees were worried that new interchanges could worsen traffic on Custer, Forestvale or the Capital Interchange. Since I-15 between Jefferson City and Lincoln Interchange already primarily carries commuters (see attached graph), this concern appears plausible.

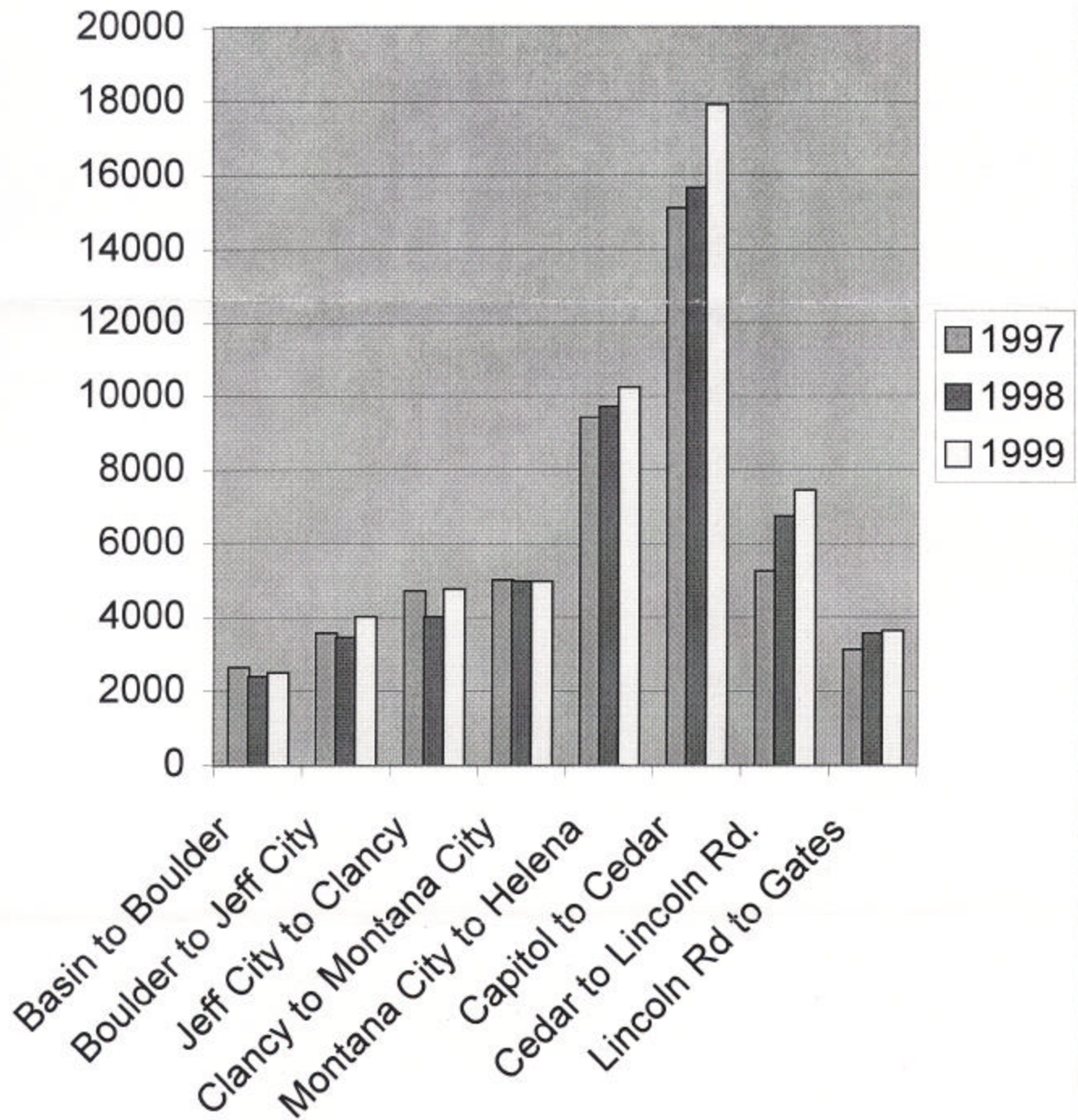
Respectfully,



Paul Cartwright
Senior Energy Analyst

Attachment

I-15 Traffic Near Helena



ADT (from MDT "Traffic by Sections")



United States
Department of
Agriculture

Forest
Service

Helena National Forest

Helena Ranger District
2001 Poplar Street
Helena, MT 59601
406-449-5490

File Code: 7710

Date: October 12, 2001

Diana Bell
EIS Manager
Carter-Burgess
216 Sixteenth Street Mall
Suite 1700
Denver, CO 80202-5131

FILE COPY

Dear Ms. Bell:

This letter is in response to the request for comments related to the **I-15 Corridor** Study being conducted by your office for the Montana Department of Transportation. The U.S. Forest Service owns property along the I-15 corridor at the Cedar Street Interchange in the Helena area.

My comments are directed to the project in both general terms, and specific to the properties we own at the Cedar Street Interchange.

General Comments: 1) I know that acceptable standards will be complied with in completing the analysis. Impacts and mitigation to Threatened, Endangered, and Sensitive Plants and Animals, Heritage Resources, Noxious Weeds, Wildlife, Fisheries, and Social and Economic resources will be disclosed.

Specific Comments: 1) The Cedar Street Interchange is critical to the overall traffic flow in the area. The proposal will maintain this interchange in its current location. 2) Traffic flow at the Cedar Street Interchange needs to be improved. What used to be a "rush-hour phenomena is now a problem that extends throughout much of the business day. South-bound traffic at the interchange has difficulty crossing traffic on Cedar Street to travel east. The off-ramp for north-bound traffic at the interchange, particularly at the stop light, doesn't appear wide enough to be two lanes. 3) Property values should be maintained. 4) The U.S. Forest Service requests some informational signing on I-15 at the Cedar Street Interchange. At present we have no signing on I-15 noting the presence of our adjacent Ranger District office.

Thanks for the opportunity to comment. Larry Cole can be reached at the address/phone number found at the top of this letter should there be questions.

Sincerely,

DUANE H. HARP
District Ranger

Cc: S.O. Engineering (C.McKenna), L.Cole





United States Department of the Interior

FISH AND WILDLIFE SERVICE

MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.17 FHWA (I)

January 8, 2002

Diana Bell
Carter & Burgess Consultants, Inc.
216 Sixteenth Street Mall
Suite 1700
Denver, Colorado 80202-5131

Dear Ms. Bell:

This is in response to your letter dated September 21, 2001, in which you requested a scoping letter from the US Fish and Wildlife Service (Service) regarding potential resource concerns we believe should be addressed in the Environmental Impact Statement (EIS) process for the Interstate 15 corridor from Montana City to Lincoln Road. The Service is a cooperating agency for this EIS. These comments have been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*) and the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

The Federally-listed threatened, endangered, proposed or candidate species that may occur within the I-15 corridor are the threatened bald eagle (*Haliaeetus leucocephalus*), the mountain plover (*Charadrius montanus*), which is proposed for listing as threatened, and the black-tailed prairie dog (*Cynomys ludovicianus*), which is a candidate for listing. Bald eagles may occur in the area throughout the year, but no nesting territories are known to occur in the vicinity of this corridor. Mountain plovers and prairie dogs may occur in areas of shortgrass prairie within the Helena Valley. Based upon the location of the I-15 corridor and the likely distribution of these species in this area, the Service does not expect any project related impacts to listed species.

While at this time we do not foresee any substantive issues within this corridor in relation to bald eagles, any power lines in the vicinity, if not properly constructed, could pose electrocution hazards for this species. To conserve eagles, and other large raptors protected by Federal law, we urge that any power lines that may need to be modified or reconstructed as a result of a project within this I-15 corridor be raptor-proofed following criteria and techniques outlined in, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Raptor Research Foundation, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033.

It appears that a proposed project within this corridor may impact areas that are jurisdictional wetlands. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review

permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable based on the information available at that time. Regardless, it would be prudent for any proposed alternatives to be designed such that they avoid and minimize wetland area impacts to the greatest extent possible.

The Service appreciates your efforts to incorporate fish and wildlife resource concerns, including threatened and endangered species, into your project planning. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, ext. 201.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Mark Wilson', with a stylized flourish at the end.

R. Mark Wilson
Spf Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.17 FHWA I-15 Corridor (Helena)

November 4, 2002

Jeff Berglund
Land and Water Consulting, Inc.
801 North Last Chance Gulch
P.O. Box 239
Helena, Montana 59624

Dear Mr. Berglund:

This responds to your letter dated October 4, 2002, regarding the Montana Department of Transportation's Environmental Impact Statement on the Interstate 15 corridor near Helena in Lewis and Clark and Jefferson counties, Montana (I 15-4(65)196F). Your letter requested a list of threatened, endangered, proposed, and candidate species that may occur in the vicinity of this proposed project corridor. These comments were prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). The U.S. Fish and Wildlife Service's (Service) Montana Field Office received your letter on October 10, 2002.

In accordance with Section 7(c) of the Act, the Service has determined that the following threatened, endangered, proposed, and candidate species may be present in the project corridor:

Listed Species

Expected Occurrence

bald eagle (*Haliaeetus leucocephalus*); threatened

spring or fall migrant

Proposed Species

mountain plover (*Charadrius montanus*); proposed as threatened

potential occurrence in shortgrass prairie habitat

Candidate Species

black-tailed prairie dog (*Cynomys ludovicianus*)

possible occurrence in shortgrass prairie

Section 7(c) of the Act requires that Federal agencies proposing major construction activities complete a biological assessment to determine the effects of the proposed actions on listed and

proposed species and use the biological assessment to determine whether formal consultation is required. A major construction activity is defined as "a construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (NEPA)" (50 CFR Part 402). If a biological assessment is not required (i.e., all other actions), the Federal agency is still required to review their proposed activities to determine whether listed species may be affected. If such a determination is made, formal consultation with the Service is required.

For those actions wherein a biological assessment is required, the assessment should be completed within 180 days of initiation. This time frame can be extended by mutual agreement between the Federal agency or its designated non-Federal representative and the Service. If an assessment is not initiated within 90 days, this list of threatened and endangered (T/E) species should be verified with the Service prior to initiation of the assessment. The biological assessment may be undertaken as part of the Federal agency's compliance of section 102 of NEPA and incorporated into the NEPA documents. We recommend that biological assessments include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of T/E species in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An analysis of the affects of the action on listed species and proposed species and their habitats, including an analysis of any cumulative effects.
6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to T/E species.
7. The expected status of T/E species in the future (short and long term) during and after project completion.
8. A determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species.
10. Citation of literature and personal contacts used in developing the assessment.

If it is determined that a proposed program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. If it is concluded that the project "is not likely to adversely affect" listed species, the Service should be asked to review the assessment and concur with the determination of no adverse effect.

Pursuant to section 7(a) (4) of the Act, if it is determined that any proposed species may be jeopardized, the Federal agency should initiate a conference with the Service to discuss conservation measures for those species. For more information regarding species of concern occurring in the project area, including proposed and candidate species, please contact the Montana Natural Heritage Program, 1515 East 6th Ave., Helena, 59601, (406)444-3009.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for Section 7 compliance remains with the Federal agency and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit/applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Power lines in the vicinity, if not properly constructed, could pose electrocution hazards for bald eagles. To conserve eagles and other large raptors protected by Federal law, we urge that any power lines that need to be modified or reconstructed as a result of this project be raptor-proofed utilizing criteria and techniques similar to those outlined in the publication, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033. The use of such techniques would likely be most beneficial adjacent to expected raptor foraging areas (i.e., stream crossings, wetlands that support populations of waterfowl, or upland areas that support high populations of raptor prey species).

Your letter does not mention whether wetlands might be impacted by the proposed project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

If you have questions regarding this letter, or about our joint consultation responsibilities, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,



R. Mark Wilson
Field Supervisor



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

September 27, 2001

Diana Bell
Carter & Burgess
216 Sixteenth Street mall
Suite 1700
Denver, Co 80202-5131

RE: HELENA I-15 CORRIDOR SCOPING LETTER. SHPO Project #: 2001092704

Dear Diana:

I have conducted a cultural resource file search for the above-cited project. According to our records there have been several previously recorded archaeological and historic sites within the designated search locales. I have enclosed a list of these sites, which includes basic information such as site type, legal location, and owner. If you wish to obtain further information on these locales you may contact the University of Montana Archaeological Records Office at (406)-243-5525. In addition to the sites there have been several previously conducted cultural resource inventories done in the areas. I have also enclosed a list of these reports, which include basic bibliographic information such as author, title, and date completed. If you have any further questions regarding these reports you may contact me at the number listed below.

We have already been in contact with Kathy McKay and Aaberg Cultural Resource Consulting Services in regards to the survey for this project. We feel that in regards to the scoping letter, describing any environmental resources or issues, that you should first submit your findings to the Montana Department of Transportation who will then consult with us under the National Historic Preservation Act. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406)-444-7767 or by e-mail at dmurdo@state.mt.us.

Sincerely,

Damon Murdo
Cultural Records Manager

Enclosures:

File: MISC/CONSULTANT/2001



STATE HISTORIC PRESERVATION OFFICE ♦ 1410 8th Ave ♦ P.O. Box 201202 ♦ Helena, MT 59620-1202
♦ (406) 444-7715 ♦ FAX (406) 444-6575



STATE HISTORIC PRESERVATION OFFICE

Cultural Resource Information Systems

Report

Report Date:
09/27/2001

Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	Examiner
24JF0871	9 N	3W	10	NW	Lithic Scatter	Null	Prehistoric More Than One Period	Private	GCM
24JF0697	9 N	3W	10	SE	Lithic Scatter	Bedrock Quarry	Prehistoric More Than One Period	Private	GCM
24JF0872	9 N	3W	10	SE	Lithic Scatter	Null	Prehistoric Middle Period	Private	GCM
24JF1212	9 N	3W	11	NE	Historic Mining	Historic Road/Trail	Historic More Than One Decade	Private	GCM
24JF1210	9 N	3W	11	NE	Historic Mining	Null	Historic More Than One Decade	Forest Service	GCM
24JF0003	9 N	3W	11	NW	Surface Stone Quarry	Workshop	No Indication of Time	No Data	Smithsonian River Basin Sur
24JF0876	9 N	3W	14	NE	Lithic Scatter	Tipi Ring	No Indication of Time	Private	GCM
24JF0698	9 N	3W	14	NE	Lithic Scatter	Null	No Indication of Time	No Data	Other
24JF0003	9 N	3W	14	NW	Bedrock Quarry	Null	No Indication of Time	Private	Smithsonian River Basin Sur
24JF0697	9 N	3W	14	NW	Rock Cairn(s)	Tipi Ring	Prehistoric More Than One Period	Private	Other
24JF0884	9 N	3W	14	NW	Bedrock Quarry	Null	No Indication of Time	Private	GCM
24JF0814	9 N	3W	14	NW	Historic Stock Raising	Historic Cattle Camp	1000-1009	Private	Other
24JF0697	9 N	3W	14	Oth	Lithic Scatter	Bedrock Quarry	Prehistoric More Than One Period	Private	GCM
24JF0875	9 N	3W	14	SE	Tipi Ring	Null	No Indication of Time	Private	GCM
24JF1003	9 N	3W	14	SW	Lithic Scatter	Null	No Data	Private	Amateur
24JF1002	9 N	3W	14	nd	Lithic Scatter	Null	No Data	Combination	Amateur
24LC0787	10 N	3W	5	NE	Historic School	Historic Log Structure	Historic More Than One Decade	State Owned	HRA
24LC1636	10 N	3W	5	SE	Historic Irrigation System	Null	Historic More Than One Decade	Private	State Lands/DSL
24LC1635	10 N	3W	5	SE	Historic Homestead/Farmstead	Historic Log Structure	Historic More Than One Decade	Private	State Lands/DSL
24LC1634	10 N	3W	5	SW	Historic Residence	Null	Historic More Than One Decade	Private	Other
24LC1631	10 N	3W	5	SW	Historic Residence	Null	Historic More Than One Decade	Private	Other
24LC1550	10 N	3W	8	NW	Historic Residence	Null	Historic More Than One Decade	State Owned	Professional
24LC1308	10 N	3W	20	NE	Historic Trash Dump	Null	Historic Period	State Owned	Professional
24LC1308	10 N	3W	20	NE	Historic Trash Dump	Null	Historic Period	State Owned	Professional
24LC1309	10 N	3W	20	SE	Historic Homestead/Farmstead	Historic Building Foundation	Historic Period	State Owned	Professional
24LC1309	10 N	3W	20	SE	Historic Homestead/Farmstead	Historic Building Foundation	Historic Period	State Owned	Professional
24LC0863	10 N	3W	20	SE	Historic Conservation	Historic Ranger Station	1930-1939	Forest Service	U.S. Forest Service
24LC1315	10 N	3W	20	SE	Historic Railroad Stage Route Travel	Historic Commercial Development	Historic More Than One Decade	State Owned	Professional
24LC1315	10 N	3W	20	SE	Historic Railroad Stage Route Travel	Historic Commercial Development	Historic More Than One Decade	State Owned	Professional
24LC0998	10 N	3W	20	SW	Historic Industrial Development	Null	Historic More Than One Decade	Private	Professional
24LC0997	10 N	3W	29	NW	Historic Residence	Null	Historic More Than One Decade	Private	Professional
24LC1139	10 N	3W	29	NW	Historic Railroad Stage Route Travel	Null	Historic More Than One Decade	Private	Professional
24LC0786	10 N	3W	32	NW	Historic Political/Government	Combo Prehistoric/Historic	1900-1909	State Owned	Other



State Historic Preservation Office

Cultural Resource Annotated Bibliography System

Report

Report Date:

09/27/2001

Township: 09N Range: 03W Section: 2

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 3

SCHWAB

DAVID C.

7 / 29 / 1986

CHRITON SUBDIVISION

CRABS Document Number: JF 6 4261

Township: 09N Range: 03W Section: 3

JEPSON

DANIEL A., ET AL.

12 / 1989

CLASS I AND CLASS III CULTURAL RESOURCE INVENTORIES OF AT & T SPOKANE-BILLINGS FIBER OPTIC FACILITIES IN MONTANA

CRABS Document Number: ZZ 6 10823

Township: 09N Range: 03W Section: 3

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 4

SCHWAB

DAVID C.

7 / 29 / 1986

CHRITON SUBDIVISION

CRABS Document Number: JF 6 4261

Township: 09N Range: 03W Section: 4

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 10

MUNDAY

FREDERICK C.

/ 1978

EXHIBIT E - PRELIMINARY ARCHAEOLOGICAL INVESTIGATION, PRELIMINARY REPORT ON ARCHAEOLOGICAL INVESTIGATIONS NORTH OF CLARK GULCH NEAR MONTANA CITY, MONTANA

CRABS Document Number: JF 5 4233



State Historic Preservation Office

Cultural Resource Annotated Bibliography System

Report

Report Date:

09/27/2001

Township: 09N Range: 03W Section: 10

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 11

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 14

TAYLOR

JOHN F.

3 / 18 / 1983

HANDY MANN MINING CLAIM

CRABS Document Number: JF 2 4176

Township: 09N Range: 03W Section: 14

HERBORT

DALE P.

9 / 1988

MONTANA CITY ARCHAEOLOGICAL STUDY: ENVIRONMENTAL ANALYSIS AND PREHISTORIC SETTLEMENT (AND) MONTANA CITY ARCHAEOLOGICAL STUDY: PHASE II MODEL TESTING AND CULTURAL CHRONOLOGY

CRABS Document Number: JF 6 4263

Township: 09N Range: 03W Section: 14

CLARK

GERALD R.

6 / 7 / 1989

LAND DISPOSAL IN JEFFERSON COUNTY

CRABS Document Number: JF 2 4211

Township: 09N Range: 03W Section: 14

MELTON

DOUGLAS A.

6 / 1985

ARCHAEOLOGICAL INVESTIGATION IN THE MONTANA CITY VICINITY II: CULTURAL RESOURCE INVENTORY OF THE PROPOSED JEFFERSON TRACTS SUBDIVISION

CRABS Document Number: JF 6 4262



State Historic Preservation Office

Cultural Resource Annotated Bibliography System

Report

Report Date:

09/27/2001

Township: 10N Range: 03W Section: 5

HERITAGE

RESEARCH ASSOCIATES, INC.

5/14/1990

**CULTURAL RESOURCE SURVEY FOR THE SIERRA ROAD INTERCHANGE
ALTERNATIVES ON INTERSTATE 15**

CRABS Document Number: LC 4 10988

Township: 10N Range: 03W Section: 5

AXLINE

JON A.

4/27/2000

FAWN MEADOWS SUBDIVISION

CRABS Document Number: LC 6 22873

Township: 10N Range: 03W Section: 5

GREISER

T. WEBER, ET AL.

11/1/2000

**RESULTS OF A CULTURAL RESOURCES INVENTORY FOR THE TOUCH
AMERICA/AT & T FIBER OPTIC CABLE ROUTE BETWEEN BILLINGS AND
LOOKOUT PASS IN MONTANA**

CRABS Document Number: ZZ 1 23275

Township: 10N Range: 03W Section: 5

ROSSILLON

MITZI AND MARY MCCORMICK

4/2000

**NORTH MONTANA AVENUE - TURNLANE: A CULTURAL RESOURCE INVENTORY
AND EVALUATION**

CRABS Document Number: LC 6 22763

Township: 10N Range: 03W Section: 5

DEAVER

SHERRI, ET AL.

7/1/1994

HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 10N Range: 03W Section: 8

DEAVER

SHERRI, ET AL.

7/1/1994

HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 10N Range: 03W Section: 8

AXLINE

JON A.

3/30/1999

N/A

CRABS Document Number: LC 4 22093

Township: 10N Range: 03W Section: 8

MCCORMICK

MARY E.

6/8/1999

NORTH MONTANA AVENUE - TURN LANE

CRABS Document Number: LC 4 22092



State Historic Preservation Office

Cultural Resource Annotated Bibliography System

Report

Report Date:

09/27/2001

Township: 10N Range: 03W Section: 17

STEERE

PETER L.

12 / 3 / 1979

CULTURAL RESOURCE INVENTORY : FRONTIER MALL DEVELOPMENT PROJECT

CRABS Document Number: LC 6 4566

Township: 10N Range: 03W Section: 17

DEAVER

SHERRI, ET AL.

7 / 1 / 1994

HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 10N Range: 03W Section: 20

CAYWOOD

JANENE M., ET AL.

3 / 11 / 1991

EVALUATION OF REGION 1 FOREST SERVICE-OWNED BUILDINGS FOR ELIGIBILITY TO THE NATIONAL REGISTER OF HISTORIC PLACES

CRABS Document Number: ZZ 1 13017

Township: 10N Range: 03W Section: 20

TRAVIS

LAURI L.

7 / 17 / 1997

A CULTURAL RESOURCE INVENTORY FOR THE HELENA AIRPORT EXPANSION, LEWIS AND CLARK COUNTY, MONTANA

CRABS Document Number: LC 6 19489

Township: 10N Range: 03W Section: 29

JACOBSON &

ARCHITECTS

SHOPE

HELENA ARCHITECTURAL SURVEY

8 / 1 / 1996

CRABS Document Number: LC 6 18331

Township: 10N Range: 03W Section: 32

JACOBSON &

ARCHITECTS

SHOPE

HELENA ARCHITECTURAL SURVEY

8 / 1 / 1996

CRABS Document Number: LC 6 18331

Township: 10N Range: 03W Section: 33

CAYWOOD

JANENE M., ET AL.

5 / 16 / 1985

CULTURAL RESOURCE INVENTORY OF THE PROPOSED BELTVIEW INTERCHANGE NEAR HELENA, MONTANA

CRABS Document Number: LC 4 4533

Township: 10N Range: 03W Section: 34

CAYWOOD

JANENE M., ET AL.

5 / 16 / 1985

CULTURAL RESOURCE INVENTORY OF THE PROPOSED BELTVIEW INTERCHANGE NEAR HELENA, MONTANA



State Historic Preservation Office

Cultural Resource Annotated Bibliography System

Report

Report Date:

09/27/2001

CRABS Document Number: LC 4 4533

Township: 11N Range: 03W Section: 17

DEAVER SHERRI, ET AL.

7 / 1 / 1994 HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 11N Range: 03W Section: 20

DEAVER SHERRI, ET AL.

7 / 1 / 1994 HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 11N Range: 03W Section: 29

DEAVER SHERRI, ET AL.

7 / 1 / 1994 HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161

Township: 11N Range: 03W Section: 32

HERITAGE RESEARCH ASSOCIATES, INC.

5 / 14 / 1990 CULTURAL RESOURCE SURVEY FOR THE SIERRA ROAD INTERCHANGE
ALTERNATIVES ON INTERSTATE 15

CRABS Document Number: LC 4 10988

Township: 11N Range: 03W Section: 32

DEAVER SHERRI, ET AL.

7 / 1 / 1994 HELENA CITY GATE/EAST HELENA GAS LINE

CRABS Document Number: LC 6 16161



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor



February 14, 2002

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

Subject: NH 15-4(65)196
Forestvale/I-15 Corridor Study
Control No. 1234

Enclosed is the cultural resource report, CRABS and site forms for the above project area located along Interstate 15 between Montana City and the Lincoln Interchange north of Helena. Kathy McKay and Steve Aaberg recorded ten new archaeological and historic sites within the designated Area of Potential Effect for this project. Of those, only one is recommended individually eligible for the National Register of Historic Places: the Northern Pacific Railroad (24LC1139). We agree with that recommendation and request your concurrence. A segment of the Montana Central Railroad (24JF1600) is recommended as a contributing segment of the railroad in Jefferson County. The Helena Valley Irrigation Unit is covered under a programmatic agreement and no determination of eligibility is required.

Finally, three archaeological sites were discovered in the vicinity of the Montana City Interchange on Interstate 15. They are: 24JF1718, 24JF1719, and 24JF1720. No determinations of eligibility were made for these sites pending the development of the preliminary plans for this project. When the plans are available, then testing will be conducted at these sites if necessary.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Attachments

cc: Jason Giard, P.E., Butte District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Bureau

RECEIVED

APR 15 2002

ENVIRONMENTAL

MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

March 8, 2002

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620 1001

RE: NH 15-4(65) 196 Forestvale/I-15 Corridor Study Control No. 1234

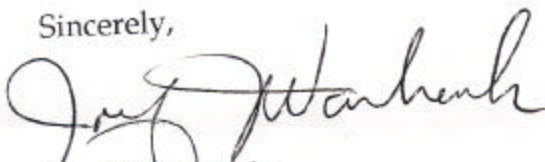
Dear Jon,

We concur that site 24LC1139 is eligible and that site 24JF1600 contributes to the Montana Central Railroad. We will record sites 24LC1062, 24JF1718, 24JF1719, and 24JF1720 as unresolved in our database.

You also have our concurrence that sites 24LC1743, 24LC1744, and 24LC1745 are ineligible for the register. Site 24LC1746 presents me with some concern because I do not think that enough contextual work was done for me to make a determination so it will remain unresolved until we have a better understanding of the recreation context in Helena of the late 1940s, into which this site fits.

If you have any questions or concerns about the points presented, please call me at (406) 444-0388.

Sincerely,



Josef J Warhank
Review & Compliance Officer

file: MDT/2002



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Gall, Director
Judy Martz, Governor

MASTER FILE
COPY

October 15, 2002

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

Subject: NH 15-4(65)196
Forestvale/I-15 Corridor Study (Addendum)
Control No. 1234

2002101515
Josef
Forestvale - I-15 Corridor St.
Addendum
MDT
CONCUR
MONTANA SHPO

DATE 7 Nov 02 SIGNED

On February 14, 2002 we submitted to your office a cultural resource report for the above project in Jefferson and Lewis & Clark counties. You concurred with most of our findings on March 8, 2002. Enclosed is an addendum to that cultural resource report along with the CRABS and site forms. During the summer of 2002, Aaberg Cultural Resources Consulting Service (ACRS) was requested to look at three potential sites added for inclusion in the corridor study for the above project. They were located at the I-15 Custer Avenue Overpass and at the Lincoln Road Interchange. Three sites were recorded and evaluated by ACRCS; two were recommended eligible for the National Register of Historic Places: the Deal House (24LC1784) and the Washburn Dairy/Barbeau Residence (24LC1786). We agree with that recommendation and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosures

cc: Jeff Ebert, P.E., Butte District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Section

File: MDT/2002



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

November 12, 2002

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202

Subject: NH 15-4(65)196
Forestvale Interchange/I-15 Corridor Study
Control No. 1234

CONCUR
MONTANA SHPO

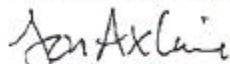
DATE 25 Nov 02 SIGNED *Judy Martz*

Enclosed is the Determination of Effect for the above study corridor in Jefferson and Lewis & Clark counties. We have determined that there would be **No Effect** to the NRHP-eligible Northern Pacific Railway Main Line (24LC1139) and **No Adverse Effect** to the Deal House (24LC1784) and the Washburn Dairy Farm/Barbeau Residence (24LC1786). We request your concurrence. When the preferred alternatives are identified, we will review them to determine if the impacts to the NRHP-eligible properties have changed.

There has been no change in the plans regarding the old Forestvale Interchange project. We continue to maintain that the Alternate B would have **No Effect** to the National Register-listed Silver Creek School (24LC787). All proposed work at the Montana City Interchange would be confined to the existing Right-of-Way (R/W). Because archaeological sites 24JF1718-1720 are located outside the existing R/W, they would not be impacted by the proposed project. Additional testing to determine their National Register eligibility, therefore, is not necessary and would not be conducted as part of this MDT project. The same applies to the proposed Montana City Archaeological District (24JF697). Because all the sites associated with the potential historic district are located outside the MDT R/W, they would not be impacted by the project and are, consequently, not within the Area of Potential Effect. We request your concurrence.

Finally, in your letter of 8 March 2002, you stated that you didn't have enough information to concur with our Determination of Eligibility regarding the Sharpshooters .22 Rifle Club (24LC1746). Additional research by myself at the Montana Historical Society failed to uncover any further information about the site. I did, however, manage to locate a person who had used the facility in the early 1960s. He revealed that the site was used at the end of its "career" primarily as a place for hunters to sight in their rifles. That its proximity to old U.S. Highway 91 hampered its use. By 1968 when I lived in southeast Helena, the building and site was not in use and all the appurtenances associated with it had been removed. Although the site may be associated with the mid-20th century, we believe that the site is not eligible for listing on the National Register.

If you have any questions, please contact me at 444-6258.



Jon Axline, Historian
Environmental Services

Enclosure

cc: Jeff Ebert, P.E., Butte District Administrator
Carl Peil, P.E., Preconstruction Bureau
Gordon Stockstad, Resources Section

DETERMINATION OF EFFECT

NH 15-4(65)196

Forestvale Interchange/I-15 Corridor Study Control No. 1234

Introduction

The Montana Department of Transportation (MDT) has initiated a study to identify traffic and solutions that would improve existing and future traffic needs involving Interstate 15 in Jefferson County and the Helena Valley. The study corridor is approximately twelve miles in length beginning at the Montana City Interchange (#187) and extending northerly to the Lincoln Road Interchange (#200) in the north Helena valley. The existing corridor includes four existing interchanges, four overpasses and thirteen bridge structures in Jefferson and Lewis & Clark counties.

The study considers the improvement and possible reconstruction of the existing interchanges, the addition of support facilities and the possible construction of new interchanges in Lewis & Clark County to improve an increasingly poor traffic situation in the Helena Valley. No "Preferred Alternative" has yet been determined for this study. Instead, the alternatives will be presented to the public and planners in an Environmental Impact Study (EIS) for review and comment. The draft EIS is currently in development and will be made available by late December, 2002. Once a Preferred Alternative(s) is/are identified, the Montana State Historic Preservation Office (SHPO) would be notified and a mitigation plan regarding the effected historic and archaeological sites would be developed if necessary. Figure 1 shows the XXXXXXXX

Significant Cultural Resources

Eighteen cultural resource surveys in and around the project area have been conducted from 1968 to 2002. The MDT and the Montana State Historic Preservation (SHPO) have concurred in the National Register of Historic Places (NRHP) eligibility of six historic sites located within the Area of Potential Effect adjacent to Interstate 15 in Jefferson and Lewis & Clark counties. The sites are: the Montana Central Railway (24JF1600), the Northern Pacific Railway Main Line (24LC1139), Deal House (24LC1784) and the Washburn Dairy/Barbeau Residence (24LC1786). The Silver Creek School/Little Red Schoolhouse (24LC787) was listed on the NRHP in 1980.

The proposed Montana City Archaeological District (24JF697) is located near the APE. The NRHP eligibility of three archaeological sites (24JF1718, 24JF1719 and 24JF1720) was left unresolved pending the establishment of a preferred alternative alignment for the project. Based on the current scope of this proposed project, all work in Jefferson County would be centered on the reconstruction of the existing Montana City Interchange (#187). As currently proposed, it would be confined to the existing Interstate/Interchange R/W and the area disturbed by the existing interchange. There would be, therefore, no impact to the archaeological district or sites under any of the alternatives currently under consideration for this proposed project. **They will not be considered further in this document. If there is a change in the proposed plans, then the MDT will assess the impacts, if any, on the district and sites.**

The Montana Central Railway (24JF1600) passes under Interstate 15 near Milepost 187. This is the only site where the abandoned railroad is located within and close to the I-15 R/W. No interchange and roadway improvements are planned for that location. **Consequently, the proposed project would have no impact to the abandoned railroad grade and it will also be excluded from further consideration in this document.**

The Northern Pacific Railway Main Line (24LC1139) reached Helena in June, 1883 and was completed in September of that year. The railroad was the first transcontinental line to traverse Montana and opened up the state to national and international markets. The line caused an economic boom in Helena that lasted until 1893. Because the railroad is significant to the history of Helena and Montana, it is eligible for the NRHP under Criterion A.

The Deal House (24LC1784) is a 1½ story vernacular log building built in 1931 by Clarence Deal, a local farmer. The building is eligible for the NRHP under Criterion C as a representative example of a Great Depression-era vernacular log cabin. The site is located just west of the Lincoln Road Interchange (#200).

The Washburn Dairy Farm/Barbeau Residence (24LC1786) consists of five buildings constructed from circa 1934 to circa 1945. The residence (F-1) is an unusual example of a combination Craftsman Bungalow – Cape Cod-style dwelling, while the remaining four buildings are all vernacular style. The property originated as a dairy farm in the 1930s when it was owned by H.E. and Martha Washburn. In 1950, the property was purchased by Eddie Barbeau, a locally significant dog trainer and Native American advocate. The property is eligible for the NRHP under Criterion B for its association with Eddie Barbeau and under Criterion C as an excellent example of Depression-era architecture. The site is located just east of where Custer Avenue crosses over I-15.

The Silver Creek School (24LC787) was constructed in 1888 and ceased operating as a school in 1921. Restoration of the building began in 1977. Since then, it has functioned as an important community center and gathering place. The building was listed on the NRHP in 1980. In 199*, the MDT determined and the SHPO concurred that the proposed Forestvale Interchange would have No Effect to the old schoolhouse. Based on the current scope of the study and the alternatives under consideration, the original determination is still valid. **This site will not be considered further in this document.**

Project Impact

Aerial photographs of the project area are attached. The alternatives for the interchanges are superimposed on the photos.

Northern Pacific Railway (24LC1139)

The EIS study has proposed the widening of the existing Interstate overpass over the Northern Pacific Railway tracks. Additional lanes would be necessary to accommodate the nearby Capitol and Cedar Street interchanges. It is possible that a new overpass structure would be constructed to accomplish that end. This would require R/W or easements from the Montana Rail Link Railroad to construct additional bents to support a wider structure. There would, however, be no change in the alignment of the railroad and its existing function would be perpetuated.

Deal House (24LC1784)

The MDT proposes to reconstruct the Lincoln Road Overpass to a 4-lane facility with transitions from four to two lanes off each end of the proposed structure. Some additional R/W would be required for the transitions. Fill slopes or retaining walls would be located adjacent to the historic property. It would not, however, be removed or relocated as a result of the proposed project.

Washburn Dairy Farm/Barbeau Residence (24LC1786)

Site 24LC1786 could potentially be effected by Alternatives 1 and 4. Under this Alternative the existing Custer Avenue Overpass would be removed and replaced with a 6-lane bridge that would also include pedestrian/bicycle facilities. The new overpass would be part of a new diamond-type interchange that would also be connected to the Cedar Street Interchange by collector-distributor roads along I-15. The intersection of the Frontage Road and Custer Avenue would also be reconstructed and improved. This would include shifting the overpass approaches slightly to the north. The new segment of Frontage Road would be relocated behind (north) of 24LC1786 and to the east to align with the existing Washington Street intersection. The intersection improvements would improve a bad intersection and better accommodate the future construction of a Home Depot store in the southwest quadrant of the intersection.

Some new R/W may be needed from 24LC1786, but the site would largely remain intact.

Project Effect

No Preferred Alternative has yet been selected for this project. Once a preferred alternative is chosen, the Montana SHPO will be notified and, if necessary, a Memorandum of Agreement will be developed to mitigate any effects the historic properties identified in the APE.

Northern Pacific Railway Main Line

There would be **No Adverse Effect** to the Northern Pacific Railway Main Line as a result of the proposed project. The existing alignment would be perpetuated as would the existing function of the railroad. If additional driving lanes are deemed necessary in conjunction with this project, it would likely result in the addition of auxiliary lanes on the bridge or the complete reconstruction of the structure. There would be no direct impact to the railroad if this was undertaken. There would be a change in the setting of the site, but it would not impair its function or cause its significance to the history of the area to be diminished to the point where the site would no longer qualify for listing on the National Register of Historic Places

Deal House (24LC1784)

There would be **No Adverse Effect** to the NRHP-eligible Deal House. The property appears to be located at the western end of the transition zone between two and four lanes. Consequently, some additional R/W would be needed from the property. Minimal fill slopes or retaining walls would be constructed to minimize impacts to the site. No buildings or structures would be removed as a result of the proposed project, nor would the property be isolated, removed or relocated as a result of construction activities. It would maintain its existing presentation both to and from the roadway. The setting has already been compromised by the construction of the Interstate in 1963 and the Grubstake restaurant and bar immediately adjacent to the historic

building in the 1980s and the subsequent removal of other historic buildings on the site. There has also been considerable residential development north of the property and a large commercial property developed immediately to the west of the Deal House. The qualities that make the property eligible for the NRHP would remain intact.

Washburn Dairy Farm/Barbeau (24LC1786)

There would be **No Adverse Effect** to 24LC1786. Only Alternatives 1 and 4 could have an impact to the historic property. The existing property boundaries would be perpetuated. The site has not functioned as a farm since 1950 when it was purchased by Eddie Barbeau. The setting of the property has already been significantly impacted by construction of Interstate 15 and the Frontage Road in 1962 and by the Helena Sewage Treatment Plant. Traffic demands on Custer Avenue has steadily increased since 19** (***** ADT in ***** to 12,000 ADT in 2002) also rendering an impact to the property. The Home Depot Corporation has already purchased land across Custer Avenue from the site for the future location of the store. Roadway improvements would not further degradate the setting as it is being planned in response to increasing residential/commercial demands in the area. The existing property boundaries would remain largely intact and the buildings located on the site would not be removed, neglected or isolated from its environment as a result of the project. Its association with dairy farming in the Helena Valley has already been compromised by the construction of I-15, the Frontage Road, other feeder roads and residential and commercial development. Its association with prominent Helena citizen Eddie Barbeau would be perpetuated. The characteristics that make the site eligible would remain intact if this Alternative is selected.



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
P O Box 200701
Helena MT 59620-0701
November 12, 2002

Tracey MacDonald
Carter Burgess
216 16th Street, Suite 1700
Denver, CO 80202

Montana Department of Transportation Projects: BR 83-2(10)59 Goat Creek Bridge
BR 9024(15) Swan River Bridge
I-15 Corridor (Mt. City to Lincoln Rd)

Dear Tracey:

Montana Fish, Wildlife & Parks received your letters on the above projects. Montana Fish, Wildlife & Parks does not hold any property interests in the direct vicinity of any of the proposed projects. However, FWP is always interested in perpetuating and enhancing public access to rivers and streams. Therefore, although no official sites are owned or operated by this agency at the proposed bridge projects, we want to go on record as desiring to see public access preserved. On the I-15 Project, we assume that all work will be completed within the existing interstate right of way so there should be no 4(f) or 6(f) impacts. If this is not the case, please let us know.

Although not adjacent to the proposed Swan River Bridge project, FWP owns and operates several sites near the bridge in Township 26 North, Range 19 West: Swan River Fishing Access Site in Section 2, Loon Lake FAS in Section 10, Horseshoe Lake Fishing Access Site in Section 15, and Swan Lake Wildlife Habitat Protection Area in Section 14. Of these, Swan Lake FAS and Horseshoe Lake FAS are encumbered with LWCF funding and Loon Lake with federal DJ funding. We assume there will be no impacts to any of these sites based on the map provided. It will take a bit more time to ascertain if there are locally sponsored 6(f) sites at either of the bridge sites.

If property adjacent to the Swan River or Goat Creek bridges is currently used by the public and will be impacted by the projects, we would like to see that access perpetuated. I will forward your letters to the FWP regional staff for any additional comments they might wish to make in this regard.

Thank you for the opportunity to comment and I apologize for the delay in returning responses to your inquiries.

Sincerely,

A handwritten signature in cursive script that reads "Debby Dils".

Debby Dils

Land Section Supervisor

Cc: R-1, Walt Timmerman



CITY OF HELENA

City Attorney's Office
316 North Park Avenue
Helena, MT 59623
Telephone: (406) 457-8595

David L. Nielsen, City Attorney
dnielsen@ci.helena.mt.us

Bob Wood, City Prosecutor
bwood@ci.helena.mt.us

Kim Sell, Paralegal
ksell@ci.helena.mt.us

Marlene Wiegand, Amin. Clerk
mwiegand@ci.helena.mt.us

June 21, 2002

Steve W. Nistler
Waterford on Saddle Drive
915 Saddle Drive
Helena, Montana 59601

Re: Colonial Drive Right-of-Way

Dear Steve:

On June 14, 2002, you left a message at my office that said Touchmark Living Centers, Inc. ("Touchmark"), was willing to grant to Lewis & Clark County the right-of-way easement for the Colonial Drive extension and that you wanted a letter with the conditions of the transfer. On June 18, 2002, I contacted your attorney, Iris Basta, and asked her if I could reply to you directly rather than going through her as your attorney. She consented to my request provided that I send a courtesy copy of the letter to her.

The terms of the right-of-way conveyance are as follows:

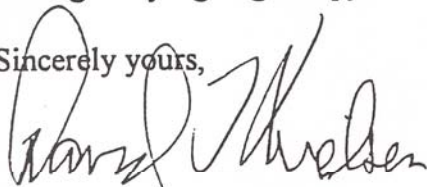
1. Touchmark will grant an 80' wide right-of-way easement to Lewis & Clark County for the Colonial Drive connection to the existing right-of-way to the south of the City.
2. Private individuals have agreed to erect a fence on the west side of the right-of-way.
3. When Nob Hill Partnership installs a sewer main in the right-of-way, Touchmark will be allowed to connect to that main in its development without being subject to sewer main rebates to Nob Hill. Touchmark will be responsible for other connection and system development fees charged by the City.
4. The City and County will provide assistance to Touchmark in vacating the two existing rights-of-way that are located on Touchmark's property west of the Interstate. One of these is platted, but not developed and the other is created by use, but is not platted. The City will also assist in the efforts to obtain a release of the

private access easement that burdens Touchmark's property. Since private parties hold this easement, the City does not guarantee the success of this release. I have been informed that most of the property owners have agreed to the vacation of the existing right-of-way easements.

5. Colonial Drive will be constructed to county road standards by Marvin Howeth and other private parties at no cost to Touchmark. Mr. Howeth agrees to remove and relocate the existing billboard sign to a new location west of the right-of-way easement to be transferred.
6. I will recommend to the City Commission the release of the 10-foot wide public access easement located on the south side of Tract B-2, shown on COS No. 535417/B, since it does not access public property.

If the above terms of conveyance are agreeable to Touchmark, please let me know either in writing or by signing a copy of this letter. I will then prepare the easement agreement.

Sincerely yours,



DAVID L. NIELSEN
City Attorney

DLN/ks

c: Tim Burton, City Manager
Iris Basta, Attorney at Law, Jackson, Murdo, Grant & McFarland, P.C.
Sharon Haugen, Director, Lewis & Clark County Community Development & Planning
Marvin Howeth
Nob Hill Partners

TOUCHMARK LIVING CENTERS, INC. agrees to the above terms of conveyance.

Dated this _____ day of June, 2002.

TOUCHMARK LIVING CENTERS, INC.

By _____
Steve W. Nistler, Vice President



RECEIVED

JUL 05 2002 mkl

CITY ATTORNEY'S OFFICE

Waterford on Saddle Drive

July 3, 2002

David L. Nielsen, City Attorney
316 North Park Avenue
Helena MT 59623

RE: Colonial Drive Right-of-Way

Dear David,

As per our conversation this morning, I will sign the terms of conveyance when item 4 has been resolved.

Sincerely,

Steve W. Nistler
Vice President, Touchmark Living Centers, Inc.

Cc: Tim Burton, City Manager

Iris Basta, Attorney at Law, Jackson, Murdo, Grant & McFarland, P.C.
Sharon Haugen, Director, Lewis & Clark County Development & Planning
Marvin Howeth
Nob Hill Partners

Excellence...with a Personal Touch

915 Saddle Drive • Helena, MT 59601 • 406-449-4900 • 406-449-4999 FAX • www.touchmark.com



P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

August 14, 2002

Jeff Berglund
Land & Water Consulting
P.O. Box 239
Helena, Montana 59624

Dear Jeff,

I am writing in response to your request for information on species of special concern in the vicinity of I-15, Montana City – Lincoln Road interchange, (MDOT CN 1234), with a 5-mile buffer. Enclosed is a map of the area showing general element occurrence locations and a table listing the species and features of special concern encompassed by this map.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by the requested road segment with an additional five-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449 5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).
- (6) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

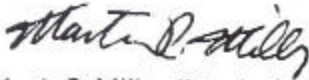
Attached is an explanation of the codes used in the table, as printed from our website. Also, high-quality photos of both species and habitat are available on the web for most of the plant species (www.nris.state.mt.gov/mtnhp).

We have extensive information on file for all these sites and species. If there is a more specific area for which you would like additional data, give me a call and we'll provide you with further details.

Electronic access to the Montana Natural Heritage Program is available at URI.
<http://nris.state.mt.us/mtnhp/>

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin P. Miller". The signature is fluid and cursive, with the first name "Martin" being more prominent.

Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(martinm@state.mt.us)

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)

Date Of Land Evaluation Request 10-31-02

Federal Agency Involved Department of Transportation

County And State Lewis & Clark and Jefferson Counties, MT

Date Request Received By SCS 11/4/02

Name Of Project NH 15 - 4(65)196, I-15 Corridor - Montana City to Lincoln Road

Proposed Land Use Highway Right-of-Way

PART II (To be completed by SCS)

Does the site contain prime, unique, statewide or local important farmland?
(If no, the FPPA does not apply - do not complete additional parts of this form).Yes ☒ No ☐

Acres Irrigated 1.5

Average Farm Size NA

Major Crop(s) IRRIGATED HAYLAND

Farmable Land In Govt. Jurisdiction
Acres: 0 %

Amount Of Farmland As Defined in FPPA

Acres: 0.02-0.04 %

Name Of Land Evaluation System Used LE3A

Name Of Local Site Assessment System LEWIS & CLARK Co. LE3A

Date Land Evaluation Returned By SCS

12-3-02

PART III (To be completed by Federal Agency)

Alternative Site Rating
Site A (1) Site B (2) Site C Site D

A. Total Acres To Be Converted Directly 71 17

B. Total Acres To Be Converted Indirectly 0 0

C. Total Acres In Site 5528 5528

PART IV (To be completed by SCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland 0 .24

B. Total Acres Statewide And Local Important Farmland 61.64 22.76

C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted 0.04% 0.02%

D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value - 0 - - 0 -

PART V (To be completed by SCS) Land Evaluation Criterion

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

63 58

PART VI (To be completed by Federal Agency)

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))

Maximum Points

1. Area In Nonurban Use 15 8 8

2. Perimeter In Nonurban Use 10 7 7

3. Percent Of Site Being Farmed 20 5 5

4. Protection Provided By State And Local Government 20 0 0

5. Distance From Urban Builtup Area n/a 0 0

6. Distance To Urban Support Services n/a 0 0

7. Size Of Present Farm Unit Compared To Average 10 2 2

8. Creation Of Nonfarmable Farmland 25 0 0

9. Availability Of Farm Support Services 5 5 5

10. On-Farm Investments 20 15 15

11. Effects Of Conversion On Farm Support Services 25 0 0

12. Compatibility With Existing Agricultural Use 10 8 8

TOTAL SITE ASSESSMENT POINTS 160 50 50

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

100

63

58

Total Site Assessment (From Part VI above or a local site assessment)

160

50

50

TOTAL POINTS (Total of above 2 lines)

260

113

108

Site Selected:

Date Of Selection

Was A Local Site Assessment Used?

Yes ☐No ☐

Reason For Selection:

November 18, 2002

Richard L. Keller, Chief Engineer
Montana Rail Link
101 International Way
P. O. Box 16390
Missoula, MT 59808 - 6390

Re: I-15 Corridor (Montana City to Lincoln Road) EIS Improvements

Dear Mr. Keller:

The Montana Department of Transportation is studying a number of transportation improvements along a 12-mile section of Interstate 15 passing through Helena. These improvements are being designed to improve safety and mobility in the corridor and may involve replacing the existing I-15 bridges that pass over the railyard and tracks between Cedar Street and Custer Avenue. Replacement of these bridges is necessary because of their age and condition and the need to accommodate additional interstate auxiliary lanes through this section of the corridor.

The existing bridges are each approximately 28 feet wide. The replacement structures will each be approximately 72 feet wide to meet current safety standards and carry the additional laneage. Widening would be accomplished for both northbound and southbound I-15 to the outside of the existing alignment. Although design plans have not been developed yet we know that changes will need to be made in the location and size of the bridge piers located on railroad property.

The Department is preparing an Environmental Impact Statement (EIS) for this project. As part of the EIS process an analysis of historic properties located along the corridor was conducted. The rail facilities built by and associated with the Great Northern Railway have been determined to be eligible to the National Register of Historic Places. As such, we must take special care to coordinate our activities with you and avoid or minimize impacts to the historic resource.

In addition to the normal coordination procedures we will follow on this project, we would like to receive written comments from you on the potential effects of these improvements on your operations, concerns you might have about the replacement of the I-15 bridges, and any ongoing coordination steps you would like to have us include as part of this project.

We would greatly appreciate receiving your initial comments by November 29, 2002. If you have any questions, please contact Dewey Lonnes at (406) 444-6070.

Very truly yours,

Walt Scott, Supervisor
R/W – Utilities Section

cc: File



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

December 19, 2002

J. M. Cowles
Manager, Public Projects
The Burlington Northern and
Santa Fe Railway Company
2454 Occidental Avenue South, Suite. 1A
Seattle, WA 98134

Re: I-15 Corridor (Montana City to Lincoln Road) EIS Improvements

Dear Mr. Cowles,

The Montana Department of Transportation is studying a number of transportation improvements along a 12-mile section of Interstate 15 passing through Helena. This study to improve safety and mobility in the corridor and may involve replacing the existing I-15 bridges that pass over the rail yard and tracks between Cedar Street and the Capitol interchange to accommodate additional interstate auxiliary lanes through this section of the corridor.

The existing bridges are each approximately 28 feet wide. Any expansion of the structures would be done to meet current safety standards and carry the additional laneage. Widening would be accomplished for both northbound and southbound I-15 to the outside of the existing alignment. Although a final decision has not been made nor have design plans been developed, we believe that changes may be made in the location and size of the bridge piers located on railroad property. We are coordinating these changes with Montana Rail Link, Inc., (MRL).

The Department is preparing an Environmental Impact Statement (EIS) for this project. As part of the EIS process an analysis of historic properties located along the corridor was conducted. The rail facilities built by and associated with the Northern Pacific Railroad have been determined to be eligible to the National Register of Historic Places. As such, we must take special care to coordinate our activities with you as the property owner and MRL as Lessee.

In addition to the normal coordination procedures we will follow on this project, we would like to receive written comments from you on the potential effects of these possible improvements on the historic railroad property. We would also appreciate hearing of any concerns you might have about the expansion or replacement of the I-15 bridges, and any ongoing coordination steps you would like to have us include as part of this project.

We would greatly appreciate receiving your initial comments by January 10, 2003. If you have any questions, please contact Dewey Lonnes at (406) 444-6070.

Very truly yours,

Walt Scott, Supervisor
RW - Utilities Section

CC: FILE
CARTER & BURGESS, DENVER

J:\Transportation\070254.000.0.0100\manage\corr\RailLink letter.doc



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
P O Box 200701
Helena, MT. 59620-0701
Phone: (406)444-3939
FAX: (406)444-3023
January 24, 2003

Tracey MacDonald
Carter Burgess
216 16th Street, Suite 1700
Denver, CO 80202

Montana Dept. of Transportation Project: I-15 Corridor Montana City to Lincoln Road

Dear Tracey MacDonald:

Montana Fish, Wildlife & Parks does not hold any property interest within 200' of the proposed highway project. The nearest property would be administrative offices located west of Montana Avenue on Cedar Street, the main headquarters on Sixth Avenue in the capital complex, and a wildlife management area on Lake Helena several miles east of the interstate. Hope this meets your needs.

Sincerely,

A handwritten signature in cursive script that reads "Debby Dils". The signature is written in dark ink and is positioned above the printed name.

Debby Dils
Land Section Supervisor

enclosures



United States Department of the Interior

NATIONAL PARK SERVICE

ROCKY MOUNTAIN REGIONAL OFFICE

12795 W. Alameda Parkway

P.O. Box 25287

Denver, Colorado 80225-0287



IN REPLY REFER TO
L7619 (RMR-PP)

SEP 21 1989

Mr. Stephen C. Kologi, P.E.
Chief, Preconstruction Bureau
Montana Department of Highways
2701 Prospect
Helena, Montana 59620

Dear Mr. Kologi:

This is in response to your letter of September 5, 1989, informing us of the intentions of the Montana Department of Highways to develop a Federal Aid highway project on Interstate Highway 15 (I-15) for construction of an interchange to provide a new point of access onto I-15 north of Helena, Montana.

One of the locations being studied for the interchange, Alternative A, is at the crossing of I-15 over Sierra Road and it appears that construction there could impact an area known as Rossiter School Park. This area has received Land and Water Conservation Fund (L&WCF) assistance, which makes the property subject to the provisions of Section 6(f) of the L&WCF Act as amended. The provisions of the Act stipulate that changes from outdoor recreation use be approved by the Secretary of the Interior and require the substitution of other properties of at least equal fair market value and reasonably equivalent usefulness and location for the recreation lands to be taken.

With the information that we have, we cannot definitely determine if the proposed project will impact the Rossiter School Park. Please discuss the project with the State Liaison Officer. In Montana, the contact is Mr. Donald Hyppa, Administrator, Parks Division, Montana Department of Fish, Wildlife and Parks, 1420 East 6th Avenue, Helena, Montana 59601. He can determine whether the proposal will involve a taking as described in Section 6(f) and can inform you as to the proper procedures for compliance with that section of the Act.

Thank you for keeping us informed of proposed construction

Sincerely,

Robert J. Atkins

for Richard A. Strait
Associate Regional Director
Planning and Resource Preservation

cc:

Mr. Donald Hyppa, Administrator, Parks Division, Montana Department of Fish, Wildlife and Parks, Helena, Montana

Date Recd. Preconst. 9/22/89				
Act	Info	MAIL ROUTE	Attach	Initial
		30 Other		
		30 Eng. Specialties		
		31 Contract Plans		
		32 Loc. Road Design		
		33 Environment		
		34 Hydraulic		
		35 Surfacing Design		
		36 Traffic		
		37 Photogrammetry		
		38 Consultant Design		
		39		
		File		

[illegible]

Dear Dave,

This park was developed with the assistance of federal money through the Land and Water Conservation Fund. If any part of the park will be affected by your construction project, we will have to work with the federal government to mitigate any impacts. The property is subject to the provisions of Section 6(f) of the L&WCF Act as amended. The provisions of the Act stipulate that changes from outdoor recreation use be approved by the Secretary of Interior and require the substitution of other properties of at least equal fair market value and reasonably equivalent usefulness and location for the recreational lands to be taken.

If you feel that there may be a potential impact, please contact me and I will provide you with any additional information you may require.

Sincerely,



MARY ELLEN POOLE
Administration Officer I
Operations Bureau
Parks Division

MEP/th

cc: Region 8 Supervisor

Dick Mayer

Gretchen Olheiser

Jim Turner, Rossiter School

P.O. Box 5417

Helena, MT 59604

John Andrew, Lewis & Clark Co. Park Board

316 N. Park

Helena, MT 59625

Sent To Consultant
11-28-89
Bob Newhouse



May 22, 2003

MONTANA RAIL LINK, INC.
101 INTERNATIONAL WAY
POST OFFICE BOX 16390
MISSOULA, MONTANA 59808-6390
(406) 523-1500

Walt Scott, Supervisor
Right-of-Way/Utilities Section
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59601-9746

Subject: I-15 Corridor EIS Improvements

Dear Mr. Scott:

Thank you for your ongoing efforts to keep us informed about the I-15 Corridor (Montana City to Lincoln Road) EIS and potential project impacts to the Montana Rail Link (MRL). It is our understanding that the proposed improvements to I-15 include replacing the twin interstate bridges that pass over railroad right of way. Replacement of the bridges may involve changes in the location and size of bridge piers on railroad property.

We offer the following comments for your consideration:

1. The proposed improvements will have no effect on the historic integrity of the Northern Pacific Railroad as everything has been changed and will continue to change to meet the operating needs of MRL.
2. Minimum Federal Aid standards for a 23-foot clearance height above the rails must be maintained across the entire yard.
3. To the degree possible, keep the pier placement at or close to current locations to minimize track relocations.
4. The service road that runs along both sides of the railyard must be maintained.
5. Coordination with the city of Helena is recommended to avoid interfering with future plans to widen Boulder Avenue.

SW/C-109.... State Highway/Helena - I-15 Overpass Rebuild

Mr. Walt Scott
May 22, 2003
Page 2

We look forward to continued coordination with you as the I-15 project moves forward toward construction.

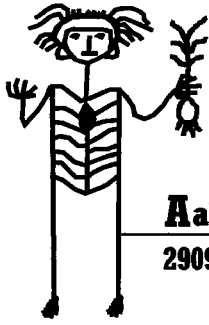
Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Werner', with a long horizontal flourish extending to the right.

Steve Werner
Public Works Engineer

tjm

SW/C-109....State Highway/Helena – I-15 Overpass Rebuild



Aaberg Cultural Resource Consulting Service

2909 East MacDonald Drive Billings, MT 59102 phone/fax (406) 655-3540

May 23, 2003

Kim Gambrill
Senior Environmental Project Manager
Carter & Burgess, Inc.
707 17th Street, Suite 2300
Denver, CO 80202

RE: I-15 Native American consultation

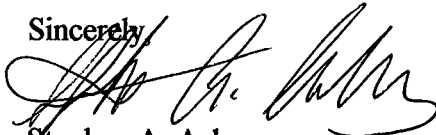
Dear Kim:

I could not remember if I was supposed to send you copies of consultation correspondence or the MDOT. In any case here are copies of the letters, which you can in turn forward to MDOT if you wish.

The 30 day response limit is getting close and so far I have not heard anything.

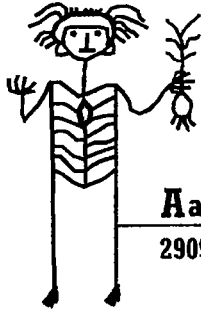
Call if you have questions.

Sincerely,



Stephen A. Aaberg

Encl.



Aaberg Cultural Resource Consulting Service

2909 East MacDonald Drive Billings, MT 59102 phone/fax (406) 655-3540

May 8, 2003

Joyce Spoonhunter
Blackfeet Tribe Culture Committee
P.O. Box 859
Browning, MT 59417

Dear Joyce:

I hope things are going well for you. I haven't had the opportunity to talk with you since the U.S. 89 project. I do have some other cultural resource matters to discuss with you. Following is a brief, formal discussion of a project the Montana Department of Transportation (MDT) has underway in the Helena area. Essentially MDT is evaluating a corridor along Interstate Highway 15 because they feel some access and traffic flow problems associated with the increase in the Helena area population need to be addressed.

The MDT is preparing an Environmental Impact Statement (EIS) to evaluate potential safety and capacity improvements along a 19-kilometer (12-mile) section of I-15 between Montana City and Lincoln Road in Jefferson and Lewis and Clark Counties. Increases in population and changes in land use patterns in the Helena Valley have resulted in increased traffic volumes on I-15, on the on- and off-ramps and interchanges serving I-15, and on east-west roadways crossing over or under the interstate highway. This increased traffic has decreased the operating efficiency of the interstate highway and the interchanges and the east-west roadways serve and cross I-15. Another result of the increased traffic is a 31% higher than average crash rate along the I-15 Corridor.

The purpose of the I-15 Corridor EIS project is to identify and evaluate potential transportation improvements that will accommodate anticipated traffic volumes safely and efficiently, while also facilitating the movement of east-west traffic crossing the interstate. The EIS addresses safety and operating efficiencies at the existing I-15 interchanges and east-west roadways crossing I-15 and studies the need for additional interchanges and crossings. The roadways crossing I-15 were studied to the extent necessary to ensure their ability to collect and distribute anticipated traffic to, from and across I-15.

A Class III cultural resource investigation of the 12-mile long corridor has been completed. A 400' wide corridor, 200' either side of I-15 was inspected as were several access ramps and streets in the city of Helena. The prehistoric component of that

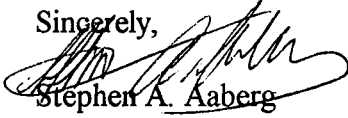
investigation was carried out by Aaberg Cultural Resource Consulting Service (ACRCS) while the historic component of the investigation was largely carried out by Tracks of the Past, a company based in Columbia Falls, Montana.

Below is a list of historic and archaeological sites that occur in the project corridor. All the archaeological sites were found in the Montana City segment of the corridor where MDT does not plan any improvements. Thus the sites will not be impacted.

site #	location	site type/historic name
24JF697	vicinity of Montana City	proposed archaeological district district never officially listed – numerous sites includes chert quarries, lithic scatters, lithic workshops, and campsites
24JF876	vicinity of Montana City	tipi rings/lithic scatter – parts of site destroyed by development since site was first recorded
24JF1600	vicinity of Montana City	Montana Central railroad grade segment
24JF1718	vicinity of Montana City	lithic scatter - five flakes, possible subsurface deposits
24JF1719	vicinity of Montana City	lithic scatter, tipi rings
24JF1720	vicinity of Montana City	historic mining landforms, debris
CB-I-15-IF-1	vicinity of Montana City	two chert flakes-isolated find
CB-I-15-IF-2	vicinity of Montana City	one chert biface fragment-isolated find
24LC787	vicinity of Helena	Silver Creek School
24LC863	Helena	Helena Ranger Station
24LC909	1612 Sierra Road E.	Hoffman Property
24LC1062	vicinity of Helena	Helena Valley Irrig. Unit
24LC1139	Helena	Northern Pacific RR
24LC1743	vicinity of Helena	historic trash dump
24LC1744	1803 Poplar St., Helena	Henry House
24LC1745	1805 Poplar St., Helena	Rickert House
24LC1746	vicinity of Helena	Sharpshooters Club
24LC1784	vicinity of Lincoln Intchnge.	Deal House
24LC1785	East Custer Avenue, Helena	Smelser House
24LC1786	East Custer Avenue, Helena	Washburn Dairy Farmstead/ Eddie Barbeau home
CB-I-15-IF-3	vicinity of Helena/I-15	one biface and two flakes-isolated find

I am hoping that you and your staff can take a look at the project corridor (shown on two attached USGS quadrangle map segments) to see if the Blackfeet Tribe has any cultural concerns or interests in the project area. Could you get back to me with any comments within 30 days. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Aaberg", written over the printed name.

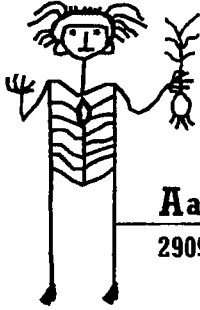
Stephen A. Aaberg

Owner and Senior Archaeologist – Aaberg Cultural Resource Consulting Service

2909 East McDonald, Billings, MT

Phone 406-655-3540

e-mail: aaberg@montana.net



Aaberg Cultural Resource Consulting Service

2909 East MacDonald Drive Billings, MT 59102 phone/fax (406) 655-3540

May 8, 2003

Marcia Pablo, Tribal Historic Preservation Officer
Confederated Salish and Kootenai Tribal Preservation Office
P.O. Box 278
Pablo, MT 59855

Dear Marcia:

It was nice visiting with you and listening to your address and papers of your staff at the MAS meetings last week. You and your staff are doing some great things. I do have some cultural resource matters to discuss with you. Following is a brief, formal discussion of a project the Montana Department of Transportation (MDT) has underway in the Helena area. Essentially MDT is evaluating a corridor along Interstate Highway 15 because they feel some access and traffic flow problems associated with the increase in the Helena area population need to be addressed.

The MDT is preparing an Environmental Impact Statement (EIS) to evaluate potential safety and capacity improvements along a 19-kilometer (12-mile) section of I-15 between Montana City and Lincoln Road in Jefferson and Lewis and Clark Counties. Increases in population and changes in land use patterns in the Helena Valley have resulted in increased traffic volumes on I-15, on the on- and off-ramps and interchanges serving I-15, and on east-west roadways crossing over or under the interstate highway. This increased traffic has decreased the operating efficiency of the interstate highway and the interchanges and the east-west roadways serve and cross I-15. Another result of the increased traffic is a 31% higher than average crash rate along the I-15 Corridor.

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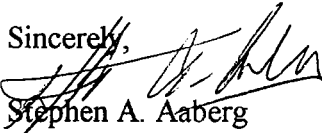
access ramps and streets in the city of Helena. The prehistoric component of that investigation was carried out by Aaberg Cultural Resource Consulting Service (ACRCS) while the historic component of the investigation was largely carried out by Tracks of the Past, a company based in Columbia Falls, Montana.

Below is a list of historic and archaeological sites that occur in the project corridor. All the archaeological sites were found in the Montana City segment of the corridor where MDT does not plan any improvements. Thus the sites will not be impacted.

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24JF1600	vicinity of Montana City	Montana Central railroad grade segment
24JF1718	vicinity of Montana City	lithic scatter - five flakes, possible subsurface deposits
24JF1719	vicinity of Montana City	lithic scatter, tipi rings
24JF1720	vicinity of Montana City	historic mining landforms, debris
CB-I-15-IF-1	vicinity of Montana City	two chert flakes-isolated find
CB-I-15-IF-2	vicinity of Montana City	one chert biface fragment-isolated find
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24LC863	Helena	Helena Ranger Station
24LC909	1612 Sierra Road E.	Hoffman Property
24LC1062	vicinity of Helena	Helena Valley Irrig. Unit
24LC1139	Helena	Northern Pacific RR
24LC1743	vicinity of Helena	historic trash dump
24LC1744	1803 Poplar St., Helena	Henry House
24LC1745	1805 Poplar St., Helena	Rickert House
24LC1746	vicinity of Helena	Sharpshooters Club
24LC1784	vicinity of Lincoln Intchnge.	Deal House
24LC1785	East Custer Avenue, Helena	Smelser House
24LC1786	East Custer Avenue, Helena	Washburn Dairy Farmstead/ Eddie Barbeau home
CB-I-15-IF-3 find	vicinity of Helena/I-15	one biface and two flakes-isolated

I am hoping that you and your staff can take a look at the project corridor (shown on two attached USGS quadrangle map segments) to see if the Confederated Salish and Kootenai Tribes have any cultural concerns or interests in the project area. Could you get back to me with any comments within 30 days. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen A. Aaberg', written over the word 'Sincerely,'.

Stephen A. Aaberg

Owner and Senior Archaeologist – Aaberg Cultural Resource Consulting Service

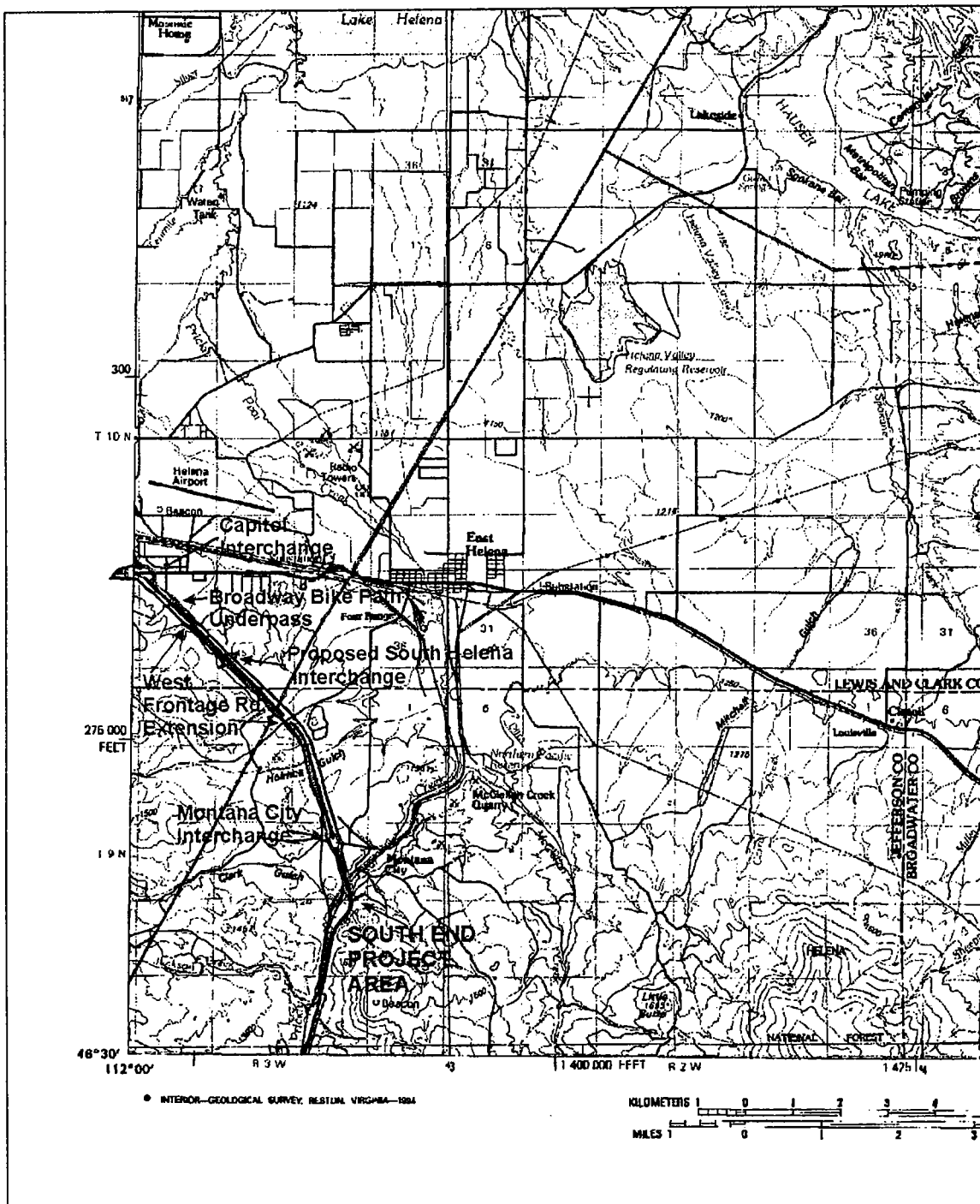
2909 East McDonald, Billings, MT

Phone 406-655-3540

e-mail: aaberg@montana.net



North portion of 2001 survey corridor and additional 2002 survey areas: proposed interchanges, interchange improvements, arterials, road improvements (1:100,000 Series USGS Topographic Map-Elliston, MT Quadrangle).



South portion 2001 survey corridor and additional 2002 survey areas: proposed interchanges, interchange improvements, arterials, road improvements (1:100,000 Series USGS Topographic Map-Canyon Ferry, MT Quadrangle).